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REPUBLIC OF KENYA

**MACHAKOS COUNTY GAZETTE
SUPPLEMENT**

ACTS, 2014

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THE MACHAKOS COUNTY FINANCE ACT, 2014

AN ACT of the County Assembly of Machakos to regulate and govern the taxes, duties, levies, charges, fees specified and to amend and align certain written laws relating to the collection and management of county revenues within the County of Machakos; to give effect to Section 21 of the County Government Act and Section 132 of the Public Finance Management Act, to set out county revenue raising measures for the County Government of Machakos and for matters connected or incidental thereto;

ENACTED by the County Assembly of Machakos, as follows—

PART 1 PRELIMINARY

1. This Act may be cited as Machakos County Finance Act, 2014. Short Title

2. This Act shall come into operation on the date of publication in the County Gazette or Kenya Gazette whichever comes first. Commencement.

3. In this Act unless the context otherwise requires— Interpretation

“Accounting Officer” means the person designated in writing by the County Executive Committee Member responsible for matters relating to finance to be responsible for managing the finances of the County Government entities as specified in the appointing letter;

“advertisement” means the use and/or display any word, letter, model, sign, placard, board, notice or representation whether illuminated or not in the nature and employed wholly or in parts for the purpose of promotion of a product or article by a proprietor and without prejudice to the foregoing includes any hoarding or similar structure used or adapted for use for the display of sale promotions accordingly; provided that any advertisement put inside a building or private properties shall not be included;

“Advertisement Device” means—

(a) bill boards including large outdoor advertising

structures in high traffic areas such as alongside busy roads and roundabouts;

- (b) business advertising which involves placing promotional material, commercial brands, campaign messages on public places including transport vehicles;
- (c) banners placed on lamp columns or erected posts across the roads;
- (d) mobile bill boards;
- (e) posters placed on walls and other permitted structures;
- (f) street advertising done on pavements and on street furniture;
- (g) taxi advertising done on taxis (h) walls cape advertising done on walls;
- (h) digital signage on LCD or projected images on public environment; and
- (i) neon light advertising which includes the use of electrified, luminous tube lights.

“Authorized officer” has the meaning assigned under section 2 of the County Government Act and also includes an officer empowered in writing to carry out a specified responsibility or exercise a specified power under this Act;

“building” means any structure or erection and part of any structure or erection of any kind whatsoever whether permanent, temporary or movable, and whether completed or uncompleted and includes any boundary wall, screen wall, fence, hoarding or water or drainage work and any part thereof;

“building operations”- includes though not limited to putting up buildings partly or in whole, rebuilding operations, structural alterations or additions to buildings and other similar operations and the making of access roads, railways, water works, sewerage and drainage works, electrical and telephone installations and any road works preliminary to, or incidental to the erection of buildings;

“bundle waste” includes tree plants, shrubs, bush trimmings, newspapers, magazines, cartons or solid waste securely tied as a package not exceeding one meter in length or 15 kilograms in weight;

“bulk waste” includes large appliances, machines, furniture, and other solid waste (other than construction or demolition debris or dead animals with weights or volumes greater than those allowed for bundle waste or dustbins);

“business” means a concern carrying on the occupation of—

- (a) a regulated trade;
- (b) importing or exporting goods;
- (c) commission agent or indent agent;
- (d) manufacturer's representatives;
- (e) produce dealer or produce broker;
- (f) business broker or management consultant;
- (g) insurance agent;
- (h) estate agent; or
- (i) any other occupation, whether similar to any of the foregoing or not, which the County Executive Committee Members may, by order, declare to be an occupation for the purposes of this definition;

“business permit” means any authorisation right issued to any business or trade concern under Part III of this Act;

“charge” means an amount of money levied and payable as fees;

“County Fire Officer” means the person appointed by the County Public Service Board as the County Fire Officer; Cap 286

“clamp” means a metallic instrument used to lock the wheels of a vehicle to immobilise;

“clinical waste” includes any waste which consists wholly or partly of human or animal tissue, blood or other body fluids, excretions, drugs or other pharmaceutical

products, swabs or dressings or syringes, needles or other sharp instruments and any other waste arising from medical, nursing, dental, veterinary, pharmaceutical or similar practice or the collection of blood for transfusion being waste which may prove hazardous to any person coming into contact with it;

“company” means a business entity registered and or issued with an incorporation certificate in accordance with the provisions of the Companies Act or the Business names Act or any other Law Subsisting in the Republic of Kenya at the time conferring Corporate Entity Status and perpetual succession under the Laws of Kenya;

“complete cold mix” means a product which is capable of manufacture into ice- cream with the addition of water only and is sent out by the manufacturer in air-tight containers, and has been made by evaporating a liquid mixture which has already been subjected to heat treatment comparable with the processes prescribed in this Act;

“vehicle” includes any engine propelled automobile, motor car, motor cycle, tractor, trailer, wagon or cart whether for public service or private;

“County Motor Vehicle” means a vehicle owned by the County or for the time being leased by the County Government for sole and exclusive use of the County;

“County waste” means waste which is the responsibility of the County whether under this Act or under any other law to collect, treat and otherwise disposes off;

“County” means the area under and/or within the jurisdiction of Machakos County Government;

“County Government of Machakos” means the County Government of Machakos;

“County Chief Engineer” means the person for the time being holding the office of County Engineer in the County, and includes his or her deputy and any other authorized officer;

“County Physical Planner” - Means the person for the time being holding the office of the County Physical

Planner and includes any person duly authorized by him or her and/or by the County Public Service Board to act on his or her behalf;

“County modern toilet” means a public lavatory/closet or urinal established and maintained by the County Government or in partnership with any other person or entity;

“development” has the meaning assigned under section 3 of the physical planning Act;

“Director of Environment” means the person at the time being holding the office of the director of environment for the County and includes his or her deputy or a person appointed by the County Public Service Board to be in charge of environment matters at any particular time;

“domestic waste” means normal household waste produced in a residential building used wholly as a private dwelling;

“drain” means any channel used for the drainage of one building only, or of premises within the same cartilage and made merely for the purpose of communicating there from with a receptacle for drainage, or with a sewer into which the drainage of two or more buildings or premises occupied by different persons is conveyed;

“dwelling” means a building or any part or portion of a building used or constructed, adapted or designed to be used for human habitation as a separate tenancy or by one family only, whether detached, semi-detached or separated by walls or by floors from adjoining buildings, together with such out buildings as are reasonably required to be used and enjoyed therewith, and shall include any residential flat or apartment;

“erection of any building” means—

- (a) the putting up of any addition to an existing building;
- (b) the refurbishing or alterations of any part of an existing building;
- (c) the re-erection of any building or part of a

building when an external wall of that building or part of a building has been destroyed or pulled down or burned down or damaged either wholly or partially;

- (d) the roofing over of any space between walls or buildings;
- (e) the changing of the purpose or purposes for which a building or part of a building or appurtenances of a building are used;
- (f) the using for human habitation of any building which has not been previously used for that purpose;
- (g) the increasing or the reducing of the number of dwellings or separate tenancies or occupancies in a building;
- (h) the using of any building in a manner different from that shown on the plan thereof approved by the County whether before or after the date on which this Act becomes operative and whether or not it is proposed to execute any alterations or work in connection with the proposed change;
- (i) the carrying out of any water service or drainage work;

“Estate Officer” means the person for the time being holding the office of estate officer of the County;

“external wall” means an outer wall or vertical enclosure of a building not being a party wall, whether or not adjoining a wall of another building;

“Fire Brigade” means the entity designated by the County to inspect for compliance, prevent and combat or deal with fire incidences or undertake extinction of fires within the County under the direction of the County Fire Officer, his officials and Fire fighters;

“firefighting Purposes” means the purpose of the extinction of fires and includes the protection of life and property;

“film making” means the production of video film or photography;

“film maker” means the producer or Director of a certain film production;

“foundation bed” means the natural geological formation or solid ground at or over the bottom of the foundation trenches and on which the foundation is laid;

“Government Motor Vehicle” means a vehicle owned by the Government of Kenya and registered as a Government of Kenya vehicle and it is in use within the County;

“hamali cart” means a wheeled cart for the carriage of goods propelled by human energy;

“hand cart” means a two or three wheeled cart for the carrying of goods propelled by human energy;

“hawker” means a person who carries on either of the following businesses, whether as a principal, agent or employee—

- (a) the sale of or exchange of goods or wares, merchandise or refreshment, to place oneself in any street or public place or unenclosed land (other than in shop premises approved as such by the County) or to go about in street or public places or from premises to premises for purposes of carrying on trade and promotion of sale of items; or
- (b) the sale or exchange, or the offer of or exposing for sale or exchange of goods or wares, merchandise and refreshment, but does not include the seeking or taking of orders for subsequent delivery of goods, wares merchandise or refreshments to premises for the purpose of re-sale or trade by any of the means aforesaid;

“hazardous waste” means waste which is toxic, flammable, corrosive, radioactive, explosive or otherwise dangerous, and shall also include motor oil, diesel fuel gasoline (petrol), paint, solvents, dry cells and vehicle batteries, pesticides, and infectious medical wastes from

hospitals and clinics, metallic and oily sludge or solvents from commercial and industrial establishments, asbestos materials, radioactive wastes, and any such like waste which possess characteristics that make them hazardous to human beings or to the environment;

“hazardous waste audit” means verification of records of hazardous waste disposal by an authorized institution or authority;

“Inspector” means an officer of the County authorized and/or empowered by the Accounting Officer to control and supervise a certain activity;

“Licensee” means the holder of a valid license;

“Licence” means a permit issued by the County Government under this Act for any specified activity;

“Licensing Authority” means any entity or department of the County Government empowered to issue permits or licenses for carrying out a particular or specified authority under the relevant written laws;

“Livestock” means domesticated animals notably including though not limited to:- cattle, poultry, pigs, sheep or goats, rabbits;

“Management Board” means the Board at that time managing any of the County Institution or facility on behalf of the County Government;

“Market Master” means the person appointed in writing by the County Public Service Board to control and supervise the public market specified in the instrument of his or her appointment;

“Medical Officer of Health” means the person for the time being holding the office of the Officer of Health of the County and includes his or her deputy and/ or the public health officer of the County;

“monthly licence” means a licence issued under this Act on a monthly basis;

“Non-Motorized Vehicle” means an animal or human drawn vessel used for the carriage of goods or persons and shall include bicycles;

“Occasional Licence” means a licence valid only on the date or time frame specified therein and not valid upon lapse of the time frame;

“Occupier” includes any person in actual occupation of premises or residential dwelling subdivided and let to lodgers or tenants;

“open space” means a street, road, pathway or open ground;

- (a) “owner” means:- means a person in whose name a property is registered under the relevant Act; or
- (b) the person in whose name a vehicle is registered under the Traffic Act, and in relation to a vehicle which is subject of a hire purchase agreement or hiring agreement, includes the person who is in possession of the vehicle under that agreement;

“parking permit” means a permit issued by the County Government authorizing the owner of a vehicle to use a designated parking place;

“parking space” means a space in a parking place, which is provided for parking of a single vehicle;

“Park Manager” means the person for the time being holding the office of park manager in the County department responsible for the parks;

“Park” means any open space managed by the County Government for temporary resting, recreation purposes or public access at a fee or free;

“Passenger” means a person carried in a motor vehicle or non-motorized vehicle for hire or reward;

“Permit Holder” means a business entity authorized by the County Government to conduct business within its jurisdiction;

“Permit” means a document or permit issued by the County Government to a person or entity as authority to conduct business within its jurisdiction;

“Person” includes a company, association or other body

of persons whether incorporated or un-incorporated;

“ply for hire” means and includes—

- (a) standing on any taxi rank; and
- (b) standing or travelling whilst exhibiting a “For Hire” notice or any other word or sign implying that the vehicle is a taxi cab.

“polythene carry bags” means any plastic bag used for packaging, storing, carrying or dispensing any article or commodity;

“polluter pays principle” means the compensation for the treatment of polluting waste discharged as provided for in the Water Act, Environmental Management and Coordination Act or any discharge regulation in force;

“Poultry” means any domestic bird or birds capable of domestication which include but not limited to fowls, ducks, geese, chicken, turkeys, peacocks, ostriches and guinea fowls;

“Premises” includes—

- (a) land;
- (b) commercial buildings;
- (c) houses, flats, rooms, bungalows or maisonettes belonging to and rented for residential purposes within the County;
- (d) vehicles;
- (e) railway carriage;
- (f) other conveyances and tents;
- (g) vans;
- (h) structures of any kind;
- (i) drains; and
- (j) open places, covered or enclosed, whether maintained or not under statutory authority, of any place within the County.

“Public Health Committee” means the duly constituted committee that handles public health matters of the

County;

“public places” means places accessible to the general public like pavements, roads, buildings and parks whether free of charge or for a fee;

“residential dwelling” means building, flat or any structure used as a private dwelling and includes undeveloped or partially developed land allotted for residential purposes;

“regulated trade” means –

- (a) wholesale or retail trade;
- (b) catering;
- (c) laundering or dry-cleaning;
- (d) hairdressing;
- (e) beauty culture;
- (f) shoe repairing;
- (g) motor vehicle repairing;
- (h) cinematograph film exhibition;
- (i) advertising;
- (j) the sale by a manufacturer of goods manufactured by him; or
- (k) any other business designated as a regulated trade by the County Government or the Central Government.

“recommended thickness” means a thickness of not less than 30 microns;

“Revenue Officer” means an officer of the County Government authorized in writing by the County Government to collect revenue;

“sand” means any of these loose granular materials between 1-4mm in diameter that results from the broken rocks and consists of particles smaller than gravel but courser used in mortar, glass, abrasive foundry moulds and buildings; or any soil containing 85% or more of sand a maximum of 10% of clay;

“Sand Harvester” a person who by himself or herself or through his agent gathers or collects sand for purposes of sale or own use;

“sealed” means sealed by an official seal of the County Government;

“solid waste” means County waste material generated by domestic households, institutions, commercial establishments, and industries, and all litter and clandestine piles of such wastes;

“Street” includes any street, road, highways, path, sanitary lane, sand lane, thoroughfare or public space to which the public have access and includes a bridge over which a roadway runs;

“Taxi-cab” means a public service motor vehicle constructed or made to carry a limited number of passengers, excluding the driver, which is licensed under this Act to ply for hire and for the purposes of this Act shall include tuktuks, maruti boda boda and motorcycles licensed to ply for hire or operate as taxis;

“taxi rank” means any one of the places prescribed by the County under the provisions of Part IX of this Act as a waiting bay for taxi cabs;

“trade waste” means all commercial and industrial waste arising from trading of industrial or industrial output or business or in the provision of services and includes all waste which is not domestic refuse within the meaning of this Act. If any trade is carried on in a residential building or any part thereof, the whole of the waste arising therefrom shall be considered as trade waste;

“Transporter” means any individual or firm in the business or system of transporting goods, people or loads from one place to another;

“Vendor” means any person who sells goods, products, articles and commodities within the County;

“waste management service charge” means the charge determined by the County Government from time to time either on its own motion or on a proposal from a Waste Manager as a waste management services charge;

“waste management” includes cleansing, removal, collection, transport, source sorting, treatment and disposal of waste in accordance with this Act or any other relevant written law;

“waste operator” means an entity licensed by the County Government to carry out waste management operations within the County;

“waste treatment” includes sorting, separation, recycling, bulking, or other activity formal or informal which changes the quantity and composition of waste pending final disposal whether or not carried out with a view to extract useable elements;

“waste water” means any water which passes from any premises into a tank, pit, drain, or sewer from any closet, bath or wash basin situated or an appendage to such premises;

“waste” includes any substance which constitutes a scrap material or an unwanted surplus substance arising from the application of any process and any substance or article which requires to be disposed of as being broken, worn out, contaminated or otherwise spoilt and for the purposes of this Act;

“water service works” means the construction, installation, laying, connection, fixing and alteration of water pipes, fittings or installations or appliances used or to be used in connection with any building;

“water way” includes channel, harbour, canals, ports and any part of a water body; and

“Way Leaves” means space or strip of land that is exclusively used for overhead, underground, ground level service lines for power lines, telephone lines, water pipes, sewer lines, ducts or any other space, conducting and or conveyance such services but not exclusively confined to the same owned by an individual, company, or parastatals.

4. This Act will apply within the County.

Application

PART II—ADVERTISEMENT

5. (1) A person who intends to use an advertisement

Application for

device within the County shall make an application to the County Government. advertisement.

(2) Every application for advertisement shall be made using the prescribed form to the Authorized Officer and shall be accompanied by a plan or sketch showing to the satisfaction of the Authorizing Officer, the content of the advertisement, position of the proposed advertising device or notice, its dimensions and the method of erection and standing, the material of erection and stating the material of which it is to be composed or constructed, its colour and such other information as the County may require.

(3) The County Government may—

- (a) refuse to approve an application for advertisement in any case where, in its opinion, the display of an advertisement or the use of an advertising device would likely be injuriously or affect the amenities; or
- (b) grant an application for advertisement subject to such terms and conditions relating to the content of advertisement, construction, nature and erection of advertising devices as it may think fit.

(4) Any person who uses an advertisement device without formal approval of an for advertisement and shall be guilty of an offence.

6. There shall be paid to the County Government in respect of every approval of an application for advertisement issued under this Part the appropriate fees as per the approved fees and charges. Fees

7. Every grant of an application for advertisement issued under this Act shall expire on the 31st day of December of the year for which it is issued unless cancelled prior to such expiry. Expiry of permit.

8. The County Government may from time to time by notice to holder thereof, cancel an authority for advertisement for contravention of any of the terms and conditions thereof or any of the provisions of this part or where in its opinion the continued display of any advertisement device would likely affect or is injuriously Cancellation of advertisement authority.

the amenities of, or to disfigure any neighbourhood or for any other reason it may think fit.

9. (1) Any person can apply for the use of any advertising device using the application form that may be prescribed by the County Government from time to time and upon paying the prescribed fees.

Application for
advertising device

(2) Any person who uses an advertisement device without the making an application for its use and paying the prescribed fees for it shall be guilty of an offence.

10. Any person who, being the holder an advertisement authority fails to maintain in good repair and in a proper and safe condition any advertising device authorized there under shall be guilty of an offence under this Act.

Maintenance of
advertising device

11. (1) Any person who is granted advertisement authority under this Acts shall on demand and within Twenty Four (24) hours produce such authority to the authorized officer.

Production of
advertisement
authority.

(2) Any person who contravenes or fails to comply with the provisions of this section shall be guilty of an offence under this Act.

12. (1) The Authorized Officer can with or without notice or under lawful order remove or pull down and dispose off any advertisement or advertising device erected, fixed, placed, maintained, displayed or used in contraventions of this Act.

Removal of
advertising devices

(2) Any person whose advertisement device has been removed as provided in subsection (1) above may apply to the County Government for the recovery of the impounded device upon payment of enforcement charges and penalties within thirty (30) days.

(3) Upon the lapse of the thirty (30) days, the County Government shall have the discretion to destroy, dispose off or auction such advertisement device.

13. Nothing in this Part shall apply to—

Exemptions.

- (a) public notices exhibited at public worship premises and public hospitals;
- (b) name boards of reasonable dimensions relating

to private residential premises; and

(c) name boards for business premises.

14. Any person who is guilty of an offence under this Part or fails to comply with the provisions under this Part, shall be liable to fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding twelve months or both.

Penalties.

PART III—BUSINESS PERMIT

15. (1) A person shall not engage in or carrying out any trade, occupation or business unless such person has made an application and obtained a permit for carrying out such business, trade , occupation or profession.

Application for a business permit.

(2) Every application for a business permit or for renewal of business permit under this Act shall be in the prescribed form to be obtained from the Authorized Officer.

(3) If the application is for a new business permit, it shall be delivered to the authorized Officer not less than thirty days before the date which shall be specified in the application form, upon which it is, desired that, trading, business activity or occupation shall begin.

(4) Application forms shall be completed by the applicant and the Authorized officer may grant or refuse to grant an application which does not comply with the all requirements of this Act or which does not give all the required information.

(5) Any person who does not comply with the provisions of this section shall be guilty of an offence.

16. A permit fee shall be paid to the County Government in respect of every business permit issued under this Part as per the approved fees and charges.

Fees

17. (1) A business permit issued under this Part may be transferred or assigned by the permit holder thereof to any other person, with the prior written consent of the County Government at a fee as may be prescribed from time to time;

Transfer of a business permit

(2) Any application for the transfer of any permit under

subsection (1) above shall be in such form as may be prescribed by the County Government and shall be accompanied by the permit to which it relates

Provided that the County Government may, in any particular case require an applicant for the transfer of a permit under subsection (1) to submit or to supply such further information as it may require;

(3) A memorandum of the transfer of any permit shall be endorsed on the permit by the Authorized Officer or his or her duly appointed officer.

(4) Every person who does not comply with the provisions of this section shall be guilty of an offence.

18. The County Government shall or may exercise its powers to grant, refuse, renew, or withdraw/cancel any business permit if it contravenes or if it falls under the following specified conditions and grounds set out below—

Cancellation or
revocation of a
business permit

- (a) with respect to any business permit whether relating to a trade, business or occupation, or premises or otherwise—
 - (i) that the premises in or at which the applicant intends to carry on his trade, business or occupation does not conform to the requirements under this Act or any other written law;
 - (ii) that the granting of such business permit or the renewal hereof, as the case may be, would be contrary to the public interest; and
- (b) additionally, with respect to any business permits relating to the use of premises as a theatre, music hall, concert room or other place of amusement, or as a restaurant or eating house—
 - (i) that the applicant has failed to produce satisfactory evidence of good character;
 - (ii) that the premises owned or occupied by the applicant are frequented by persons of

bad character;

- (iii) that the granting of the business permit or the renewal thereof would be calculated to cause nuisance or annoyance to persons residing in the neighbourhood; and
- (c) Additionally, with respect to any business permits for the carrying on of any work or trade thereof declared to be offensive trade—
 - (i) that the premises used or proposed to be used therefore by the applicant are unsuitable for the purpose; and
 - (ii) that the method adopted or proposed to be adopted by the applicant for preventing noxious or offensive vapours, gases or smells arising from such work or trade are not efficient.

19. (1) Authorized Officers may, at any reasonable time enter any premises whether having business permit under this Act or not, to make inspections, enquiries or perform any conditions attaching to any business permit issued or transferred under this Act are being observed.

(2) Any person who—

- (a) hinders, obstructs, interferes with or prevents Authorized Officers or any other person duly authorized in writing by the County in exercising his or her powers under subsection (1); or
- (b) refuses to give information or gives false information or misleading information to any such officer in the course of such inspection or inquiries shall be guilty of an offence.

20. Every person to whose business a permit has been issued or transferred under this Act shall on demand by Authorized Officers produce such business permit for inspection by such an officer within shortest time possible and not more than twenty four hours from the time of such demand.

Production of a permit

21. (1) Every business permit issued under this Act

Display of a permit.

shall be exhibited in a prominent and conspicuous place in the premises to which it relates to or a copy certified as a true copy by the issuing authority in case the original is lost, defaced or secured in a safe or Bank.

(2) Any person who fails to comply with sub-section (1) above shall be guilty of an offence.

22. Any person who does not comply with the provisions under this Part shall be guilty of an offence. Offences

23. A person who is guilty of an offence under this Part shall be liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding twelve months or both. Penalties.

PART IV—PUBLIC MARKETS AND STALLS

24. (1) No public market and stall shall be established within County other than by the County Government and a person shall not sell or buy goods in, or use a public market except with the consent of the County Government given by the market master and upon the payment of the fees prescribed under this Act. Establishment of markets and stalls.

(2) Any person who fails comply with the provisions of sub-section (1) shall be guilty of an offence.

25. (1) Public markets shall be open on such days and during such hours as the County Government shall determine, for the sale of: Hours and days opening.

- (a) perishable foodstuffs;
- (b) live poultry;
- (c) earthenware, basket ware, marts, woodwork; or
- (d) other products approved by the County Government.

26. (1) A person shall not carry on or engage in any prohibited trade or business in a public market or a stall except such trades or business that are allowed by the County Government or under any laws of Kenya. Prohibited Sales.

(2) In case of a public market and a stall, a person shall not bring into public market opium or intoxicating liquor or miraa, or any other banned substances or carryout witchcraft or related concoction of any kind therein.

27. A person shall not remain in a public market during the hours in which it is closed unless with express permission from the Market Master and accompanied by Market Security Officers.

Remaining in the market when closed

28. Any person who takes or permits any dog to be let loose, roam or loiter into a public market shall be guilty of an offence.

Dogs not allowed in the market.

29. No person is permitted to ride a bicycle or motorbike within the market.

Motor bikes and bicycles.

30. A person shall not cook in the public market unless they have complied with all the requirements under the Public Health Act for such purposes.

Cooking in the market

Cap 242.

31. Any person who within a public market—

General nuisance.

- (a) commits any nuisance;
- (b) hawks any un-allowed goods;
- (c) interferes with or molests any other person;
- (d) touts, or shouts, or calls out for customers;
- (e) causes any disturbance or uses any offensive, abusive, obscene, or unbecoming language;
- (f) damages, defaces, misuses, or interferes with any equipment, fittings or fixtures provided therein;
- (g) deposits or throws on the floor or ground any refuse, fruit peel or vegetable substances;
- (h) Attempts to procure customers except by means of display of goods; or
- (i) shall be guilty of an offence.

32. (1) Any person who sells or offers or displays for sale in a public market any goods or food which is diseased, unwholesome or otherwise unfit for human consumption shall be guilty of an offence.

Sale of diseased and unwholesome goods

(2) The market master shall take possession of and detain goods which are offered or displayed for sale in a public market which appears to him to be diseased, unwholesome, and unfit for human consumption and shall forthwith report and hand over such goods or food to a

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Public Health Officer appointed under the Public Health Act.

33. No food, produce, article or anything shall be exhibited for sale on the pathways, or over any drain within a public market and no board, box, basket or other containers shall be left in or upon any such drain.

Prohibited places.

34. No livestock or animals other than poultry shall be brought into any public market other than a livestock yard.

Livestock not to be brought into the market

35. (1) In any public market where stalls have been provided each stall shall be numbered and the County Government may let or hire out such stall upon such conditions as it thinks fit and upon payment of the charges prescribed in the approved fees and charges.

Numbering of stalls.

(2) Stalls provided in public market shall be used only for the class of business indicated in the permit issued by the County Government.

(3) A stall-holder shall not sublet his stall or any part thereof without the written consent of the County Government.

36. Every stall holder shall—

Stall holders.

(1) Keep his stall and all fittings and utensils therein or thereon thoroughly clean and in good order to the satisfaction of the market master;

(2) When selling by weight or measure, use the prescribed standard weights and provide and maintain proper weight and scales;

(3) Dispose of all refuse, garbage, offal and waste liquid or solid, from his stall into the receptacles, channels or drains as are provided for that purpose.

(4) Any person who contravenes this section shall be guilty of an offence and subject to eviction from the stall by the Authorized Officer.

37. Every person in a public market who fails or refuses to comply with and obey all lawful instructions, directions, and orders given by the market master for the purpose of controlling or supervising of the market shall be guilty of an offence.

Non-compliance of instructions and directions of a market master.

38. (1) The County Government may set aside, or allocate or provide parts of a public market for the sale therein of only food produce, articles or things as it may specify, and no such food, produce, article, or things shall be sold or displayed in any other part of a public market except in the parts so allowed.

Stalls specified for particular use

39. (1) Any person who uses a public market for the purpose of selling or offering for sale any food, produce, article or any other thing shall pay to the County Government charges prescribed in the approved fees and charges.

Stall charges

(2) The charges levied in accordance with subsection (1) above shall be paid in advance.

(3) In the case of a Stall, charges in form of monthly rent shall be payable by the holder of the stall and any default for three consecutive months shall invite eviction of the holder and the charges accrued upon the time of eviction shall be recoverable as a civil debt.

40. A person entering or attempting to enter any public market for the purpose of selling or offering for sale any good, produce, article or other thing shall enter only through such entrance or gateway as shall be specified by the County Government for that purpose.

Persons entering public market to use the authorized entrances

41. (1) Any person who is found committing or who is reasonably suspected of having committed an offence under this part in any public market, shall be liable to be evicted from such market by the Authorized Officer.

Power to evict

(2) A market master may in his discretion refuse admission to any person to enter a public market if to his knowledge the person has been convicted on more than one occasion of any offence under this part.

(3) Any person, who, having been refused admission unlawfully enters such public market, shall be guilty of an offence.

42. (1) Every Public Market shall have a Committee for the welfare of the traders.

Market committee

Provided that the Committees or any of its members do not interfere with revenue collection or enforcement of the

provisions of this Part in the Public Markets.

(2) Any Committee or any of its members in contravention of the above sub-section (1) above shall be guilty of an offence under this Part.

43. Any person fails comply with the provisions under this Part or is guilty of an offence under this Part shall be liable to a fine not exceeding seven thousand shillings or imprisonment for a term not exceeding seven months or both.

Penalties.

PART V—PARKS AND OPEN SPACES

44. The parks shall be opened daily at 6.30am and closed to the public at 6.00 pm.

Opening and Closing hours

Provided that this Part shall not be deemed to require the parks to be opened and closed at the hours hereto prescribed on any day when in pursuance of any statutory or other provision in that behalf the County may close such park to the public.

45. A person other than an officer of the County Government or a servant employed by the County Government in connection with the laying out, planting, improvement or maintenance of the park shall not on any day on which the park may be open to the public enter the park before the time appointed for the opening, or enter the park or remain after the time appointed for the closing thereof.

Prohibition to entry before opening time or after closing time.

46. A person shall not enter or exit the park otherwise than through any of the gates, wickets, passages or openings appointed by the County Government as the authorized means of entrance to or exit from the park.

Entry or exit through appointed gates

47. (1) A person shall not wilfully or improperly remove or displace any board, plate or tablet used or constructed or adapted to be used for the exhibition of any notice and fixed by the County Government in any part of the parks or in or on any building or structure therein or at or near to any of the appointed means of entrance to or exit from the park or in or on any wall or fence enclosing the park.

Interferences with notices, signs or boards

(2) A person shall not carelessly or negligently deface,

injure or destroy any part of any wall or fence in or enclosing the park, or any part of any building, barrier or fitting, or of any fixed or movable seat, or of any other structure or erection in the park.

48. Any person other than person employed by the County to work in the park shall only be allowed to enter the park upon payment of entry fee as per the approved fees and charges.

Entry fees

49. A person shall not wilfully, carelessly or negligently remove or displace any barrier, or any fixed or movable seat or any part of any building, structure or erection, or any appliance or article provided for use or adapted to be used or in the care, cultivation or protection of any tree, shrub under wood or other plant in the parks.

Removal or displacement.

50. A person, other than an officer of the County Government or a person within a written authority by the Authorized Officer in or about any work in connection with the laying out, planting, improvement, maintenance of the park or entertainment of visitors to the Park shall not at any time ride, drive or cause or permit to be ridden, driven or brought into the park any beast of draught or burden.

Riding or driving of beast of burden

51. No person or his servant is allowed to graze stock in the park except with the express permit and/or license from the County Government which permit shall be obtained only on application, vetting and payment of a prescribed fee.

Grazing of livestock in the parks

52. A person shall not drive or bring, or cause or permit to be driven or brought into the park any bull, ox, cow, heifer, steer, calf, sheep, lamb, hog, sow, goat or any other animal.

Restriction on domestic animals

Provided that this Part shall not be deemed to prohibit any person from taking a dog in the parks provided he is permitted and such dog be on a leash and continue to be under proper control.

53. (1) The County Government may enter into an agreement with a person, an association or a company for the purpose of management of the parks or establishment of Conservancy's within Parks for a period of time to be prescribed or negotiated on a case-by-case basis.

Management of the parks.

(2) The person, an association or a company may form a management board to oversee the day to day running of the parks.

54. The County Government may authorize, in any park, not more than five persons to engage in trade of soft drinks and cakes.

Trading in soft drinks and cakes.

Provided that—

- (a) the authorized person obtains from the County Government a permit for the business upon payment of a fee as per the approved fees and charges;
- (b) the authorised person ensures the area of trade is free of litter;
- (c) the authorised person does not engage in any offensive trade; and
- (d) the authorised person operates only on the areas designated by the County Government.

55. A person, other than an officer of the County Government or a person acting in pursuance of their directions in that behalf shall not affix or post any bill, placard or notice to or upon any or fence in or enclosing the parks or to or upon any tree, wall or other plant or to or upon any part of any building, barrier or railing, or of any fixed or movable seat or any other structure or erection in the park.

Fixing of bills, placards or notices

56. A person shall not damage or deface any tree or shrub or grass or remove any tree, shrub, plant or flowers, or pluck any bud, blossom, flower or leaf of any tree, sapling, shrub, under wood or other plant.

Destruction of vegetation.

57. A person shall not wilfully, carelessly or negligently throw or deposit any filth, rubbish, paper, bottles or other refuse of any kind in any part of the parks or defile any wall or fence in or enclosing the park, or any buildings, barrier or railing or of any other structure or erection in the park.

Depositing of litter

58. A person shall not kindle a fire or smoke in the parks.

Fire.

59. A person shall not climb any wall, fence enclosure, any tree, any barrier, railing, post or other erection in the park.

Climbing

60. (1) A person shall not in any part of the park take, injure, or destroy a bird or butterfly or spread or use any net or set or use any snare, instrument or any other means for the taking, injuring or destroying of any bird or butterfly.

Harming and interfering with birds or butterflies.

(2) A person shall not in any part of the park wilfully displace or destroy any birds nest, or take, injure or destroy any birds.

61. (1) A person shall not ride any cycle or motor cycle or drive any motor vehicle in the park and a person shall not leave any cycle, motor cycle motor vehicle elsewhere in the park other than in an areas reserved as parking ground.

Riding or parking motorcycles or vehicles

(2) Any person in contravention of any of the provisions cited above shall be guilty of an offence.

62. A person shall not except under the authority of the County Government interfere with any fixture, fitting, lamp, switch or meter in the parks.

Interference with switches and meters

63. A person shall not create any disturbance or disorderly or be guilty of any quarrelsome, violent or indecent behaviour in the parks.

Disturbance, disorderly or indecent behaviour

64. A person shall not drive or take within the park any tractor or trailer, lorry or any vehicle which is used for plying for hire and is licensed to carry seven or more passengers or freight cart drawn by oxen or mules, except he shall have obtained the written authority of the Authorized Officer to do so.

Driving for hire

65. No person other than an officer of the County or a person or a servant of a person employed by the County to work in the parks shall dwell in the parks or be in the parks beyond the specified times and/or periods.

Residence

66. A person who does not comply with the provisions under this Part shall be guilty of an offence and shall be liable to a fine of not exceeding ten thousand or to imprisonment to a term not exceeding seven months or both.

Offences and penalties

PART VI—DESIGNATED PARKING

67. The first schedule of this Act provides for and shall describe the areas on the roads designated as parking places for vehicles.

Designation of parking areas.

68. The number and situation of parking places shall be such as are determined by the County Government.

Number and situation of parking spaces

69. The limits of each parking place shall be marked on the road, by line studs or other indication in such manner as the County Government may determine.

Marking of parking spaces.

70. No vehicle shall park in a designated parking place for a duration exceeding the duration paid for.

Duration of parking place payments.

71. A person shall not put a signpost or any other sign in a parking space stating that the parking is reserved without the prior consent of the County Government and payment of the fees prescribed in the approved fees and charges.

Reserved parking.

72. A person shall not park in, or drive into or drive out of a designated parking place, a vehicle in such a manner that the vehicle stands in, or passes over part of one parking space and part of another, any line, stud, pavements, bollards, street lighting poles or other indication marking the limits of a parking space.

Manner of parking.

73. (1) No vehicle shall be driven into or parked within the limits of a parking place without the owner or the driver first paying to the County Government in advance the charges prescribed in the approved fees and charges.

Charges of parking

(2) All vehicles parked within a designated area shall be liable to pay parking fees prescribed in the approved fees and charges.

74. (1) Where a vehicle is parked in a designated parking place or space with no prior payment of the required charge, a County Government officer shall clamp the vehicle after which the motor vehicle shall be towed by the authorized officer or a Police Officer for safe custody at the owner's expense.

Charges for clamping.

(2) Where a vehicle has been clamped or removed in pursuance of sub-section (1) above the owner of such vehicle shall pay, or cause to be paid to the County

Government the fee and penalties as specified in the approved fees and charges.

(3) Where the owner of a vehicle which has been towed according to the provisions of this part does not pay the fees, penalties and expenses due within a period of sixty days from the day on which the vehicle was removed, the County Government may sell or otherwise dispose off such vehicle by public auction to recover towing charges and storage charges.

(4) Notice of the intended auction shall be placed in the print media, and the proceeds of such sale or disposal, if any, be used to recover the cost incurred by the County Government in towing, storage and disposing of the vehicle.

75. (1) Every driver or any other person in charge of a motor vehicle driven into or parked within the limits of a parking place who has paid a parking fee shall display the parking permit in the front windscreen showing the amount paid and the date and time the vehicle entered the parking place.

Display of parking permit

(2) Any person who does not display the parking permit as specified in sub-section (1) above shall be deemed not to have paid and the provisions section 83 of this Part shall apply to the motor vehicle.

76. No place within the designated parking areas shall be a free parking area other than—

Free parking days and hours.

- (a) for reservation for official use of the Cabinet Secretaries, Principal Secretaries and Heads of Diplomatic missions, County Executive Committee Members, County Chief Officers, County Assembly Speaker, Clerk and Members of County Assembly; and

- (b) for people living with disabilities.

77. The Authorized Officers responsible for the collection of the parking fees within the designated parking areas shall, at all material times in the course of such duty, put on a uniform, carry and have with them a proper identification badge, issued by and bearing the authority of the County Government.

Identification of officers manning parking areas.

78. Any parking permit issued for a particular vehicle shall not be used for another vehicle other than the one whose registration number appears on the parking permit.

Prohibition of transfer of parking permit

79. Any person having a commercial private parking place within the County shall obtain a permit from the County Government to carry on such business under the provisions of the single business permit.

Permit for commercial parking.

80. Any person who shall without just cause or excuse, guides or directs or attempts to purport to signal, guide or direct the driver of any vehicle into or out of any parking place provided by the County Government or on any road under its jurisdiction or on any land owned by the County or under its control or in or adjoining any area on roads designated as parking places for vehicles under the Designated Parking Places of the County shall be guilty of an offence.

Signalling, guiding or directing driver of a vehicle into or out of parking places

81. Any person who—

Offences.

- (a) with intent to defraud, interferes with the writings or marks on a parking permit already issued;
- (b) without authority of the County uses a parking space for the purpose of advertisement;
- (c) wilfully damages vehicle clamp or any of its parts;
- (d) wilfully uses the parked vehicle to carry out business on a County designated parking space;
- (e) without the authority of the County removes or attempts to remove a clamp from a clamped vehicle; or
- (f) wilfully parks in a parking place reserved for people living with disabilities, shall be guilty of an offence.

82. Any person who wilfully obstructs, hinders, or otherwise interferes with any officer of the County Government in the execution of his duties under this Part shall be guilty of an offence.

Obstruction

83. (1) A vehicle shall be towed if—

Towing of vehicles.

- (a) if it is left in a designated parking place and the parking charge or de-clamping charge which is thereby incurred is not duly paid;
- (b) if it is left in a designated parking place and any of the provisions of part this Part relating to the manner in which the vehicle should stand in a parking place are thereby contravened;
- (c) if it is left in a designated parking place otherwise than is authorized; and
- (d) if it has remained clamped.

(2) Any person appointed in writing by the Authorized Officer may remove such vehicles and keep the same in safe custody by means of break down or any other means of removal available at that moment at the owner's expense and risk.

(3) Where a vehicle has been removed in pursuance of this Section the owner of such vehicle shall pay, or cause to be paid to the County Government, impounding charges as per the approved fees and charges for safe custody, together with the towing fees in respect of the expenses incurred by the County Government in towing and keeping such vehicle in safe custody before he can recover the vehicle.

84. Where a vehicle has been clamped or has been towed in pursuance of the provisions of this Part, the County Government shall not be held responsible for any damage or loss, which may occur during the clamping or towing of such vehicle.

Loss or damage.

85. The County Government shall from time to time amend the schedules for designated parking place, charges for parking, clamping and towing charges and fines.

Changes in fees and charges

86. A person who does not comply with the provisions of this Part shall be guilty of an offence and shall be liable to a fine not exceeding seven thousand shillings or to an imprisonment term not exceeding seven months or both.

Offences and penalties.

PART VII—BUS PARK AND OMNIBUS STATIONS

87. (1) The County Government shall provide bus parks and omnibus stations within the County for affording facilities for the arrival and departure of public service vehicles.

Provision of bus park

(2) The numbered situation of parking spaces in any station shall be determined by the County Government.

(3) The limits of each parking space shall be indicated on the ground by lines or studs or in such other manner as the county Government may determine.

88. No driver of a public service vehicle when carrying passengers for hire or regard shall without the prior written permission of the /Authorized officer start or terminate any journey at any place other than the bus park station.

Starting and terminating of a journey

89. (1) Where no designated area has been appointed pursuant to provisions of this Act within the County, no driver of a public service vehicle shall set down or pick up passenger at any place other than the bus park station.

Stopping on a non-designated area.

(2) No public service vehicle, whilst being plied for hire or reward, shall without the prior written permission of the Authorized officer, be parked in any place other than the bus park station.

(3) A person shall not drive or be permitted to use a public service vehicle in a dirty.

90. (1) The County Government shall provide parking places and may prohibit the parking of vehicles on roads and other places whenever it is necessary to do so.

Parking on roads.

(2) any person who draws up or parks any vehicle on any other road than in circumstances outside his control-

- (a) where parking is prohibited,
- (b) otherwise than in accordance with a parking sign, or
- (c) for a period longer than allowed, shall be guilty of an offence under this Part.

91. (1) No public service vehicle shall stand in, driven into, or be driven out of a parking space in such a manner

Parking spaces.

that the vehicle encroaches upon any other parking space.

92. A person shall not except in an emergency parking, repair, take down, assemble, wash, polish or clean any vehicle or part thereof in any such manner to cause any public nuisance or obstruction, and in such case the vehicle shall be towed from the parking place or bus park station.

Public nuisance and obstruction.

93. When six or more persons are waiting to enter a public service vehicle at a bus park station, they form a queue and any person who attempts to enter a public service vehicle ahead of any person in such a queue, shall be guilty of an offence under this Part.

Queue.

94. No person who is at the bus park station shall—

Conduct of persons at the bus park station.

- (a) wilfully & unreasonably impede any other person seeking to enter a public service vehicle or to alight there from or;
- (b) enter or alight, or attempt to enter or alight from a public service vehicle otherwise than by the door or opening provided for the purpose of entering or alighting from such public service vehicle, unless in case of an emergency; or
- (c) wilfully and unreasonably obstruct or impede any County authorized person in the performance of his lawful duties.

95. (1) Any owner of a public service vehicle shall pay to the County Government in advance the appropriate fees prescribed in the fees and charges in pursuance of this Act.

Fees.

(2) For the purpose of this Act, any public service vehicle driven in to the bus park station shall be deemed to be using the bus park station if the vehicle is not driven into the bus park station in emergency or other reasonably compelling circumstances for a reasonable period of time.

(3) Subject to sub-section (2) above, any person who drives a public service vehicle when the fee in respect thereof has not been paid; shall be guilty of an offence under this Part.

96. (1) The County Government Authorized Officers may arrest the driver who has contravened any of the provisions of this Part and impound and tow the Public

Power to arrest drivers and impound vehicles.

Service vehicle to a County Government yard. The County Government shall not be held liable for any damage on the vehicle while being towed.

(2) The owner of the towed and impounded public service vehicle shall pay the towing, storage and penalties as provided in the approved fees and charges.

(3) A person shall not while at the bus park—

- (a) tout;
- (b) throw litter;
- (c) defecate or urinate;
- (d) hawk unless he has a hawker's permit; and
- (e) play loud music causing nuisance in the bus park.

97. (1) A person who does not comply with the provisions under this Part shall be guilty of an offence.

Offences and Penalties.

(2) Every person who is guilty of an offence against this Part shall be liable to a fine not exceeding seven thousand shillings or imprisonment for a term not exceeding seven months or both.

PART VIII—TAXI-CABS

98. (1) The permits which may be issued under this Part are—

Permit.

- (a) a taxi-cab permit; and
- (b) a taxi-cab drivers permit.

(2) A permit shall expire on the 31st of December in the year for which it is issued.

99. (1) An application for a taxi-cab permit shall be made using the prescribed form and shall be signed by the owner of the vehicle.

Application for permit

(2) An application for a taxi-cab driver's licence shall be made using the prescribed form and shall be signed by the applicant.

(3) An application form shall be completed and the Authorized Officer may refuse to accept an application

form which is not correctly completed.

(4) An application form shall be delivered to the Authorized Officer at least one calendar month before the date on which the permit is intended to take effect.

100. (1) An application being made in accordance with this Act, the Authorized Officer shall, issue a permit which shall, in the case of a taxi-cab permit be in the form specified in the Second Schedule to this Act and in the case of a taxi-cab driver's permit be in the form specified in the Third Schedule to this Act.

Authorized Officer
to issue permit

(2) The Authorized Officer shall issue, in addition to the permit in respect of which application is made-

- (a) in the case of a taxi-cab permit, a permit plate bearing the number of the permit issued and the number of passengers the vehicle is permitted to carry;
- (b) in the case of a taxi-cab driver's permit, a badge bearing the permit number of the permit issued and his photograph;
- (c) require all taxi-cab drivers to wear the prescribed uniform when on duty; and
- (d) in case of bodaboda to have a pair of helmet and reflective jackets.

(3) There shall be paid to the County Government at the time a permit, plate or badge issued pursuant to the provisions of sub-sections (1) and (2) above, the fees prescribed in the approved fees and charges.

(4) Every permit shall be under the hand of the Authorized Officer or of such other officer of the County Government as he may in writing authorize in that behalf.

101. (1) The Authorized Officer shall refuse to issue and the County Government may at any time cancel a permit if—

Grounds for refusal
to grant permit.

- (a) in the case of a taxi-cab permit;
- (b) the owner is not resident in Kenya;
- (c) is an un-discharged bankrupt;

- (d) the vehicle to which the application permit relates does not comply with the requirements of the Traffic Act, or of any Rules made there under, or, in the opinion of the County Chief engineer, does not comply with any of the requirements of this Part or is otherwise unfit for use as a taxi-cab and the County engineer so certifies in writing; or
- (e) the vehicle to which the application or permit relates has an engine capacity of less than 800 c.c.; and
- (b) in the case of a taxi-cab driver's permit—
 - (i) the applicant is unable to comply with the provisions of the Fourth Schedule to this Act;
 - (ii) if the applicant or permit holder is not the holder of a valid Kenyan driving licence for the type of vehicle to be used as a taxi-cab issued under the Traffic Act; or
 - (iii) If the applicant fails to satisfy the Authorized Officer that he is a fit and proper person to hold such a permit.

(2) The Authorized Officer may refuse to issue a taxi-cab drivers permit if the applicant has been convicted of an offence against the Traffic Act or this Part and is suspended from driving a motor vehicle.

102. (1) The Authorized Officer may, with the consent of the holder thereof and upon payment of a fee as prescribed in the fees and charges schedule, transfer a taxi-cab permit from the holder to another person.

Transfer
of permit

(2) No permit shall be transferred so as to apply to a vehicle other than that in respect of which the original application was made and the permit issued.

103. A taxi-cab permit issued to a body corporate shall be issued in the name of the corporation or secretary thereof.

Permit to
corporation.

104. (1) An application for a duplicate permit or badge shall be made in writing to the Authorized Officer

Duplicate permit or
plate.

and shall set forth details of the lost permit, plate or badge, as the case may be and the manner in which the same was lost or destroyed.

(2) The Authorized Officer shall, if satisfied as to the facts disclosed in the application referred to in sub-section (1), and on payment of a fee as prescribed in fees and charges in the case of a taxi-cab permit or plate and in the case of taxi-cab driver's permit or badge, issue to the applicant a duplicate permit or plate as the case may be.

105.(1) In the event of the death, bankruptcy, or unsoundness of mind or absence from Kenya of a person holding a taxi-cab permit it shall be lawful, for the executor, administrator, trustee or receiver manager or any other person approved by the Authorized Officer in writing to carry on until the end of the year in respect of which the permit has been issued without any transfer or grant of a new permit.

Insanity, Death or
bankruptcy of a
permit holder

(2) Any person permitted to carry on a business under the provisions of sub-section (1) above shall possess all the rights and be liable to all the duties and obligations of the original permit under this Part.

106. (1) The County Government may by resolution limit the number of taxi-cabs which may operate within the County at any one time during the next ensuing year, and the Authorized Officer shall not in that year issue any taxi-cab permit in excess of the number contained in such resolution or any amendment thereto.

Limitation on the
number of taxi-cabs

(2) The Authorized Officer shall, within 14 days of its adoption by the County Government, of any such resolution or amendment as is mentioned in sub-section (1) above to be published in a newspaper circulating within the County.

107. (1) An owner shall, when so required in writing by the Accounting/Authorized Officer, cause his taxi-cab to be produced for examination.

Examination.

Provided that, subject to the provisions of sub-section (5) below, no taxi-cab having been examined and certified as fit for use as a taxi-cab, shall be required to be re-examined within a period of three months from the date of

such certification.

(2) The Accounting Officer/Authorized Officer may, on the advice of the County Chief Engineer after such examination, suspend the permit in respect of any taxi-cab until such time as the vehicle is, in the opinion of the County engineer, fit in all respects to be used as a taxi-cab.

(3) There shall be paid to the County at the time of each such examination, as is referred to in sub-section (1) above, a fee as prescribed in the approved fees and charges.

Provided that if a vehicle has to be examined two or more times before it is certified by the city engineer as being fit for use as a taxi-cab, a fee as prescribed in the fees and charges shall be payable by the owner for each examination subsequent to the first.

(4) An owner shall within forty-eight hours of its occurrence, report in writing to the Authorized Officer any accident in which damage is caused to a taxi-cab.

(5) On receipt of notification of an accident, as is provided for in sub-section (4) above, the Authorized Officer may immediately require the taxi-cab to be re-examined, and such taxi-cab shall then be produced for examination within forty-eight hours of the time of posting a notice to this effect by registered post to the last known address of the owner.

(6) Any owner who—

- (a) contravenes or fails to comply with any of the provisions of this section; or
- (b) permits the vehicle to be on hire or to ply for hire whilst the permit relating thereto is suspended shall be guilty of an offence under this Part.

108. An owner and driver of a taxi-cab shall cause to be exhibited in such vehicle in a position clearly visible to a passenger the tariff card.

Tariff card

109. (1) An owner shall cause the permit plate issued under this Part to be attached to the vehicle and maintained in such a manner and position as the County Chief Engineer may direct.

Display of permit plate.

(2) Any owner who causes or permits a taxi-cab to be on hire or to ply for hire without the plate referred to in sub-section (1) being attached thereto or with such plate so defaced that any figure or material particular thereon is illegible shall be guilty of an offence under this Part.

(3) An owner shall within seven days of the expiry of his taxi-cab permit either by expiry of time, surrender or cancellation return to the Authorized Officer the permit plate referred to in sub-section (1).

110. An owner shall in respect of a taxi-cab—

Fittings in Taxi-Cab

- (a) provide and maintain sufficient means by which any passenger may communicate with the driver;
- (b) cause the roof or covering to be kept water-tight;
- (c) provide and maintain any necessary windows and a means of opening and closing not less than one window on each side;
- (d) cause the seats to be properly cushioned and covered;
- (e) cause the floor to be provided with a proper carpet, or other suitable covering;
- (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
- (g) provide and maintain adequate means of securing luggage carried on the vehicle;
- (h) provide and maintain adequate internal lighting with at least one light switch so fitted as to enable a passenger to operate it; and
- (i) provide and maintain easily accessible means of a passenger to open at least one door on each side of the vehicle from the inside.

(2) Any owner of a taxi-cab who causes or permits the vehicle to be on hire or to ply for hire whilst the provisions of sub-section (1) above are not complied with, shall be guilty of an offence under this Part.

111. (1) Every taxi-cab shall be provided with a taxi-meter of a type approved by the County Chief engineer who shall be maintained in proper working order and shall be set to indicate no greater fares than those prescribed in this Part.

Taxi-meters

(2) The taxi-meter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any passenger and for that purpose the letters and figures shall be capable of being suitably illuminated.

(3) If the taxi-meter provided under sub-section (1) above is not fitted with a flag or other device bearing the words "For Hire" clearly visible to persons outside the vehicle, the owner shall cause the vehicle to be provided with a sign so constructed as to comply with the following requirements—

- (a) the sign shall bear the words "For Hire" in plain letters at least one and a half inches in height; and
- (b) the sign shall be capable of being operated so that it indicates clearly and conveniently to persons outside the vehicle whether or not the vehicle is for hire and for that purpose the letters and figures shall be capable of being suitably illuminated.

(4) The taxi-meter and all fittings thereof shall be so sealed that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seal or seals.

(5) Any person who plies for hire in any taxi-cab or permits any other person so to do whilst—

- (a) no taxi-meter is fitted thereto;
- (b) the taxi-meter is not in working order; and
- (c) the taxi-meter is not sealed, shall be guilty of an offence under this Part.

112. (1) Every taxi-cab shall have painted on the outside of both front doors of the vehicle and affixed inside in a position plainly visible to a passenger, in legible letters

Identification

and figures—

- (a) the name of the owner;
- (b) the business address of the owner;
- (c) the number of the permit issued in respect of the vehicle; and
- (d) the number of passengers the taxi-cab is permitted to carry.

(2) Any owner of a taxi-cab who causes or permits the vehicle to be on hire or to ply for hire without any such painting or sign as is mentioned in sub-section (1) above or so defaced that any letter or figure is illegible, shall be guilty of an offence under this Part.

113. (1) Every driver of a taxi-cab shall whilst in charge of the taxi-cab—

Conduct of taxi-cab
drivers

- (a) behave in a civil and orderly manner and take all reasonable precautions to ensure the safety of persons conveyed in or entering into or alighting from the vehicle and the security of passengers' luggage;
- (b) if he has been hired to be in attendance with the vehicle at an appointed time and place, unless prevented or delayed by some cause outside his control, punctually attend with such vehicle at such appointed time and place;
- (c) subject to any directions given by the hirer, when hired to drive to some particular destination proceed to that destination by the shortest available route;
- (d) not convey in the vehicle any greater number of passengers than the number for which it is permitted;
- (e) wear the prescribed uniform and permit badge issued to him in such a position and manner as to be plainly and distinctly visible; and
- (f) if the vehicle is so constructed as to carry luggage, when requested by any person hiring or seeking to hire the vehicle—

- (i) convey on the vehicle a reasonable amount of luggage;
 - (ii) secure any luggage carried outside the vehicle;
 - (iii) afford reasonable assistance in loading and unloading the vehicle; and
 - (iv) afford reasonable assistance in removing the luggage to or from the entrance of any house, station or place at which he may take up or set down such persons.
- (g) If any property left in the vehicle be found by or handed to him, convey such property (if not sooner claimed by or on behalf of the owner thereof) within 24 hours to a police station in the County and leave it in the custody of a police officer on his giving a receipt for it;
- (h) except when engaged on hire or obstructed by traffic or other reasons beyond his control, not allow the vehicle to stand on any street or other public place elsewhere than at a taxi-rank;
- (i) if to his knowledge he has conveyed a person suffering from or who is a carrier of any infectious or contagious disease, forthwith report to the department of health in County and carry out such instructions as he may receive with respect to the disinfection of his vehicle;
- (j) whilst his vehicle is on hire or ply for hire as the case may be, carry his driver's license and produce the same to a County inspector or police officer if requested so to do;
- (k) be clean in person and clothing;
- (l) refrain from smoking or spitting whilst carrying passengers.

(2) Any driver who contravenes or fails to comply with any of the provisions of this Part shall be guilty of an offence under this Part.

114. (1) The driver of a taxi cab shall—

Use of taxi meters

- (a) when plying for hire keep the taxi meter locked in the position in which no fare is recorded on the face of the taxi-meter or, if a sign is provided, operate the sign that the words “for Hire” are clearly and conveniently legible to a person outside the vehicle;
- (b) as soon as the vehicle is hired operate the said sign so that the words “for Hire” are not visible to persons outside the vehicle;
- (c) as soon as the vehicle is hired, bring the machinery of the taxi-meter into action;
- (d) cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which is during the night, as defined in the Traffic Rules and also at any other time at the request of the hirer.

(2) Any driver who contravenes or fails to comply with any of the provisions of this Part shall be guilty of an offence under this Part.

115. Any driver who, when plying for hire, importunes any person to hire the vehicle by calling out or otherwise attracting their attention or makes use of the services of any other person for that purpose, shall be guilty of an offence under this Part.

Prohibition of importuning for hire.

116. (1) The driver of a taxi-cab, when plying for hire in any street, shall—

Use of taxi ranks.

- (a) proceed with reasonable speed to a taxi rank;
- (b) if a taxi rank, at any time of his arrival, is occupied by the full number of vehicles authorized to occupy it, proceed to another rank;
- (c) subject to paragraph (b) above when drawing up at a taxi-rank, station the vehicle immediately behind the hindmost vehicle on the rank;
- (d) from time to time when any other vehicle

immediately in front is driven off or moved forward cause his vehicle to be moved forward so as to fill the place previously occupied by the vehicle so moved off or driven forward;

- (e) When in front or next to the front position in taxi rank remain with the vehicle ready for hire.

117. (1) A driver of a taxi-cab, unless already on hire or returning to the garage, shall not refuse to accept any person as a passenger unless—

Refusal of passenger.

- (a) he believes on reasonable grounds that such person is suffering from an infectious or contagious disease; or
- (b) he believes on reasonable grounds that the acceptance of such person would result in damage to the vehicle or danger to himself or herself or other passengers.

118. Any driver of a taxi-cab who when on hire accepts any other passengers without the consent of the original hirer shall be guilty of an offence under this Part.

Additional passenger

119. The owner or driver of a taxi-cab shall be entitled to demand for the hire of the vehicle the fare prescribed by the tariff card unless the hirer expresses at the commencement of the hiring to hire at different fares.

Demand of taxi fares by operator

Provided that where the hiring is by distance the owner or driver thereof shall not be entitled to demand a fare greater than that on the face of the taximeter, save for any extra charges as displayed on the tariff card.

120. Any owner or driver of a taxi-cab who demands a greater fare than that authorized by the tariff card shall be guilty of an offence under this Part.

Prohibition against demanding.

121. (1) The County may from time to time by resolution prescribe an area to be a taxi rank.

Position of taxi ranks

(2) The position of each taxi rank prescribed in accordance with sub-section (1) above shall be indicated by a sign erected by the County Government adjacent thereto and shall state the maximum number of vehicles authorized to occupy the rank.

(3) Any person who parks a vehicle other than a taxi-cab in an area prescribed under sub-section (1) as a taxi rank shall be guilty of an offence under this Part.

122.(1) An owner of a vehicle who permits such vehicle to be on hire or to ply for hire within the County whilst no permit issued under the provisions of this Part of such vehicle shall be guilty of an offence under this Part.

Unlicensed
Vehicles.

(2) Any person who shall—

(a) drive a vehicle on hire; or

(b) ply for hire in a vehicle whilst no permit issued under the provisions of this Part in respect of such vehicle shall be guilty of an offence under this Part.

123. Any person who not being the holder of a taxi-cab driver's licence issued under the provisions of this Part, drives a vehicle whilst on hire or plying for hire, shall be guilty of an offence under this Part.

Unlicensed Drivers.

124. For the purpose this Part, a vehicle which without good and sufficient reason stands in the immediate vicinity of a railway station, omnibus stop or taxi rank for a period of more than ten minutes during any three days in any one period of seven days, shall, until the contrary is proved be deemed to be plying for hire.

Presumption as to
plying for hire

125. (1) A person who does not comply with the provisions of this Part shall be guilty of an offence.

Penalties.

(2) Any person who is guilty of an offence under this Part shall be liable for a fine not exceeding five thousand shillings to imprisonment for a term not exceeding seven months or both.

PART IX—NON MOTORIZED VEHICLES

126. (1) A person shall not use any non-motorized vehicle or permit a non-motorized vehicle to be used for any commercial purposes within the County unless the owner thereof has been granted and is in lawful possession of a valid permit issued by the Authorized Officer under this Act to use such a non-motorized vehicle for commercial purposes.

Application for a
permit.

127. (1) An application for a permit by the owner of any non-motorized vehicle shall be made to the Authorized Officer using the prescribed form.

Application in writing

(2) The Authorized Officer may cause such a non-motorized vehicle to be inspected prior to issuance of a permit.

(3). The permit shall be in such form as may be determined from time to time by the County Government and shall contain—

- (a) the name and address of the permit holder;
- (b) a description of the non-motorised vehicle;
- (c) the date on which the permit expires
- (d) the maximum load to which the non-motorized vehicle is to carry provided that in the case of bicycles only one passenger shall be permitted to be carried on the bicycle, and;
- (e) any conditions which the County Government may deem necessary to impose.

128. (1) No permit shall be granted for a longer period than one year and every permit shall unless earlier revoked expires on 31st December of the year in respect of which the permit was granted.

Duration of a permit.

(2) The permit holder shall upon the issuance of a permit under this Act, pay to the County Government such fees as prescribed in the approved fees and charges.

129. (1)The Authorized Officer shall issue with every permit, a plate bearing a registration number and date of issue and the plate shall be affixed to a conspicuous place on the outside body of the non-motorized vehicle.

Authorized Officer to issue the licence

(2) Any permit holder who contravenes sub-section (1) above shall be guilty of an offence.

130. No persons shall unlawfully take, use, have possession of, remove, damage or destroy any plate affixed or intended to be affixed to any non-motorized vehicle during the period of its validity

Misuse of non-motorized vehicle.

131. (1) Every person who loads or is in charge of non-motorized vehicle shall ensure that the load is securely

Maximum load

fastened to the vehicle.

(2) Every non-motorised vehicle shall have rubber tyres on all its wheels.

(3) A person shall not, except with the written permission of the Authorized Officer and in accordance with the terms and conditions which may be attached to such permission, carry or cause to be carried any article on a non- motorized vehicle so as to project more than two meters behind the body of that vehicle or more than thirty centimetres outside the wheels hubs of the vehicle.

132. The Authorized Officer may, with the consent of the holder and upon payment of a fee from time to time transfer the permit thereof to another person.

Transfer of a permit.

133. (1) No person under the age of eighteen years shall be licensed to use, drive, manage or control a non-motorized vehicle for commercial purposes.

Persons under eighteen years not to be licensed.

(2) Any person who causes or permits any person under the age of eighteen years to use, drive, manage or control a non-motorized vehicle or bicycle for commercial purposes shall be guilty of an offence.

134. The County Government may refuse to renew a license or cancel a permit, if the holder of such permit has been convicted of any offence within the preceding twenty four months under this Part.

Renewal and cancellation of a licence.

135. A person who does not comply with the provisions of this Part shall be guilty of an offence.

Offences.

136. Any person who is guilty of an offence under this Act shall be liable to a fine not exceeding seven thousand shillings or imprisonment for a term not exceeding seven months or both.

Penalties.

PART X—DEVELOPMENT CONTROL

137. (1) The County Government shall approve erection of buildings or substantial alterations, works and the carrying out of building operations, as the County Executive Member responsible for matters relating to development controls may from time to time determine, which for the purposes of this Part is classified as class "B" development:

Class "B" development

Provided that—

- (a) the carrying out of works for the maintenance of improvements or other alteration of or addition to any building where such alterations or additions do not exceed 10% of the floor area of the building
- (b) the carrying out by a competent authority of any works required for the construction, maintenance or improvement of a road, if the works are carried out on land within the road reserves;
- (c) the carrying out by the County Government of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including breaking open of any street for that purpose and the installation of services by the County Government; shall not constitute development for the purposes of part:

Provided further that the County Government and any other person carrying out works approved by the County Government, shall within seven days after completion of works carried out in this section restore the site to conditions that would not be injurious to users and the environment.

138. (1) For the avoidance of doubt, it is hereby declared that for the purpose of this Part—

Class "A"
development.

- (a) the deposit of refuse, scrap or waste materials on land involve a change of use thereof;
 - (b) the use as two or more dwellings of a building previously used as one dwelling constitutes class "A" development;
 - (c) the erection of more than one dwelling or shops or of both dwelling and shop on one plot constitutes class "A" development;
 - (d) the display of any advertisement constitutes class "A" development;
- (2) The use of any buildings or land within the cartilage

of a dwelling for any purpose incidental to the enjoyment of the dwelling constitutes class "A" development.

139. Building which is not a public building or a dwelling and is not constructed to be used either wholly or partially for human habitation or as a place of habitual employment of any person in manufacturing, trade or business but which is constructed for use exclusively in connection with any farm, ranch, tea, coffee or sisal or horticultural estates, shall be exempt from the operations of this Part if it—

Exemptions

- (a) is situated not less than ten (10) metres from any public road or road of access and not less than two(2) metres from any building other than a building exempted under this part and from the nearest boundary of any adjoining land and premises; and
- (b) is constructed on land not being within any residential, business, commercial or industrial area or zone so determined by the County Government.

140. (1) Notwithstanding anything contained in this Part the County Government may by agreement grant permission for the erection of building where the materials used or the standard of construction and general appearances of the buildings are not regarded by the County Government as consistent with good, and satisfactory development, or which are of temporary nature or for an occupancy of short duration.

Grant of permission

(2) Any permission granted under this Part shall be upon such terms and conditions as the County Government may prescribe.

(3) Any person who fails to comply with the terms, conditions and obligations contained in the agreement shall be guilty of an offence under this Part.

141. (1) Every person who proposes to erect a building on any land within the County jurisdiction shall lodge with the Authorized Officer an application for approval by the County of his proposals and the plans relative there to.

Applications

(2) Such applications shall be made in the form

prescribed in the Fourth Schedule of the Physical Planning Act and shall contain written particulars relating to the following the purposes for which the building or erection will be used—

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- (a) the number of dwellings or separate tenancies or occupancies to be provided in the building;
- (b) the material of which the building will be constructed;
- (c) the mode of drainage and means of disposal of waste water, soil water, roof water and other liquid;
- (d) the water supply;
- (e) in the case of public building the number of persons to be accommodated in each part thereof, the means and capacity thereof for ventilations and the provisions made for the safety of the public; and
- (f) in the case of any building other than public building, the maximum number of persons to be employed and otherwise is accommodated in each part thereof.

(3) The person shall also submit with the Authorized Officer of the County Government, in triplicates or in the case of factories in quadruplicates, or upon the request of County Planner such further copies.

(4) Permanent blue prints made from a tracing in permanent ink), the following plans, sections, elevations and drawings delineated in a clear and intelligible manner and signed by the applicant or his duly authorized agent—

- (a) a plan of every floor or storey
- (b) a drawing of each elevation;
- (c) sufficient sections of the building or buildings from the foundations to the uppermost part of the structure to illustrate the construction thereof;
- (d) such detailed drawings as may be necessary or required;

- (e) a block plan of building and site;
- (f) a key plan showing the building and the site when it is not sufficiently identifiable from the block plan or as not properly shown thereon; and
- (g) in the case of alterations and additions, sufficient drawings to show clearly the existing structure and arrangements and the proposed alterations and additions.

(5) The plans, elevations and sections shall be to a scale of not less than one is to one hundred (1:100) or if the building is so extensive as to render a small scale necessary not less than one to two hundred (1:200), but in the latter case ample detailed drawings shall be provided to show clearly methods of construction. The block plan shall not be to a scale of not less than one is to one thousand (1:1000) except where the area of the plot is in excess of two hectares in which case the block plan may be one is to two thousand five hundred (1:2500) but in the latter case sufficient detailed plan shall be provided on other drawings to show clearly the sitting and layout of buildings and drainage thereof.

(6) There shall be shown—

- (a) upon the plans, elevations and sections-
 - (i) the levels of the site of the buildings; the levels of the lowest floor of the building, the level and slope of any street adjoining the carriage of the building in relation to one another and above some known datum, provided that the relationship between the level of the lowest floor and the level and slope of the street need not be known if the building is more than six metres away from the boundary of the street;
 - (ii) the position, form and dimensions of the foundations, walls, floors, roofs, chimneys and several parts of the buildings;
 - (iii) the position, form and dimensions of every

water- closets, urinal, pail closet, water tank, cistern to be constructed or installed in connection with the building;

- (iv) details of the proposed drainage work including the position, form and arrangement of the several part of the building to which such drainage work refers, the size, gradient materials and position of every drain; the size position and construction of every manhole, inspection chamber, septic tank, cess pool, storage tank, sewage filter installation or other work for the treatment, storage, reception or disposal of sewage or drainage; the size materials of every galley, soil type, waste pipe, ventilating pipe and rain water pipe; the position of every soil fitting and waste water fitting and the position of every soil fitting and waste water fitting and the position of all windows and other openings into the building situated within a distance of six metres from the open end of every soil pipe, waste pipe and ventilation pipe; and
 - (v) the purpose or purposes of which each portion of the building will be used and the extent of each portion which will be separately occupied or tenanted.
- (b) Upon the block plan—
- (i) the size and position of the building and its appurtenances and the size and position of any existing buildings on the plot or sub-plot and the nature of their construction and use;
 - (ii) the position of any buildings on any adjoining plots or sub-plot which are within fifteen metres from the plot or sub-plot on which the proposed building is to be erected, and the nature of their construction and use, and the building line

- or lines of the adjacent buildings;
- (iii) the name, position and width of every street adjoining the cartilage of the building;
 - (iv) any established, proposed or prescribed building line;
 - (v) the size and position of every yard and open space belonging to the building;
 - (vi) the position of every water-closets, urinal, pail, closet, latrine, well and water tank or cistern and every out-building in connection with the building;
 - (vii) the lines of drainage of the building, the size, the depth and inclination of every drain and the means to be provided for ventilation of the drain, and the position of every manhole, inspection chamber, gulley, junction, bend, intercepting trap and connection with a sewer combined drain, septic tank or other receptacle for drainage;
 - (viii) the position and level of the outfall of the drain and the sewer, if any, to which the drain will be connected; and
 - (ix) the means of disposal of sewage, waste water, rain water and the liquid discharged from the building and the position of such means.
- (c) Upon the detail drawings, such parts of the structure as cannot be adequately illustrated on the plans and drawings made to the scales herein specified.

142. There shall be supplied such additional or supplemental plans, drawings, figured dimensions, particulars and structural calculations as the County Physical Planner may require, and in the case of structural work of steel, reinforced concrete or timber, there shall be provided certificate from the designer(who shall be a

Supplemental plans

practicing, chartered, civil or structural engineer or other person possessing similar qualifications acceptable to County Government) that the design conforms in all respects with relevant recommendation of British Standard Codes of practice 113,114, 112 or any other relevant British Standard codes.

143. One set of the plans and drawing submitted for approval will be retained by the County Government in the case of lease hold land, one set will be retained by the Commission of Lands in the case of factories, one set may be retained by the Chief Inspector of Factories.

Retention of plans

144. (1) A person shall not carry out development within the County without development permission from the Authorized Officer.

Restriction on development.

(2) Any person who contravenes sub-section (1) above shall be guilty of an offence and shall be liable to a fine not exceeding Kenya Shillings one hundred thousand or to an imprisonment not exceeding five years or to both.

145. Every person who submits any application to the County Government under the provision of this Part shall at the time of such submission pay to the County Government, fees in accordance with the approved fees and charges.

Payment of fees

146. (1) Every plan for the erection of a building and every person who erects a building shall comply in all respect with the County Government requirements for the purpose of this Part the requirements of the County Government shall be deemed to be satisfied if, in regard to the following—

Compliance with requirements.

- (a) sitting, design and amenities;
- (b) coverage;
- (c) space about buildings, lighting and ventilation;
- (d) boundary walls or hedges;
- (e) materials;
- (f) building sites;
- (g) drainage, sewerage, septic tanks, conservancy;
- (h) fire safety precautions and emergency exits,

refuse disposals;

- (i) water supply; and
- (j) advertisements and signs.

(2) Requirements as to loadings, foundations, resistant to fire, damp and weather, roofs, floors, chimneys, flues, hearths, reinforced concrete and steel structures, stairs and lifts;

(3) The plans and building are in conformity with the Provisions of this Part in force from time to time, the British Standard Specification published by the British Standard institution, for any material or the British Standard code of practice published by the British Standard institution, for any building preparation.

147. If the County Government approves the plans for the erection of a building, it shall signify notice of its approval thereon as soon as practicable and issue a PPA2 Form as per Fifth Schedule of Physical Planning Act.

Approval of
building plans
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148. If the County Government disapproves the plans for the erection of a building, it shall notify the applicant within thirty days the reason for disapproval and it shall signify to the person submitting the plans detail of the manner in which the said plans have failed to comply with the provision of this Part and the Provisions of Physical Planning Act.

Disapproval.

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149. (1) Notwithstanding anything contained in this Part the County Physical Planner may grant permission to any person to proceed with any minor alteration or addition to a building or to the erection of any boundary wall or screen wall or fence or of a hoarding which complies generally with the intent and purpose of the provisions of this Part but which may be regarded as of minor importance and such permission shall be deemed to be the approval of the County Government of the applicant's proposals and drawings.

Minor alterations
and additions.

(2) In the event of any such permissions not being acted upon within six months from the date of such permission, it shall lapse.

150. The approval by the County Government of any

Nullification of
approval

plans for the erection of a building shall be null and void if—

- (a) the erection has not been commenced within twelve months after the date of such approval, or
- (b) erection has been commenced as aforesaid but the building has not been completed within a period of two years from the said date of approval unless County Government approves an extension of such period.

151. (1) Any person who—

Notification of commencement of construction.

- (a) commences to erect a building without plans thereon having been approved by the County Government or in respect of which the approval of plans has become null and void;
- (b) having obtained the County Government's approval of the plans for the erection of a building, erect such building otherwise than in accordance with the approved plans, shall be guilty of an offence under this Part; or
- (c) in such case, whether or not proceedings have been instituted against the person offending, the County Government may serve upon the owner of building a notice under the hand of the Authorized Officer requiring him within the period of the time specified in such notice to do any of the following things—
 - (i) to cease the erection of such buildings;
 - (ii) to erect such buildings strictly in accordance with the approved plans;
 - (iii) to execute such works or alterations or additions to such buildings as may be prescribed in such notice in order to render such buildings safe and sanitary or otherwise conform to the requirements of the provisions of this Part; or
 - (iv) to remove or demolish such building.

(2) If the owner shall fail to comply with all or any of the requirements of such notice, then the County Government, after not less than fourteen days' notice, in writing under the hand of the Authorized Officer served upon the owner, may by County Physical Planner enter the premises and execute such work or make such alterations or additions to such building or remove or demolish the building without liability for any loss or damage which may be occasioned thereby and may recover the cost thereof from the owner as a civic debt.

152. (1) Any person who proceeds to erect any building the plans of which have been approved by the County Government shall—

Access to building
by the County
Physical Planner

- (a) give the County Planner not less than four days' notice in writing, of the time and date when—
 - (i) the erection of the building will be commenced;
 - (ii) the concrete or other materials laid over the site, or the foundation bed, or the foundation, or the footings or the damp-proof course will be completed and ready for inspection;
 - (iii) the reinforcement of a reinforced concrete structure will be placed in a position ready for inspection;
 - (iv) the roof construction will be commenced; and
 - (v) any drainage work will be commenced;
- (b) at all reasonable times afford the County Physical Planner, Medical Officer of Health, Public Health Officer, Building Inspector, Health Inspector and other persons deriving authority from the County Government, free access to the building or work for the purpose of inspection;
- (c) permit the County Physical Planner to take such samples of the materials to be used in the

construction of any building or execution of work, as may be necessary to enable him to ascertain whether such materials comply with the provisions of this Part or with the approved plans;

- (d) not to erect any building or execute work otherwise than in conformity with the plans approved by County Government and in compliance with the provisions of this Part;
- (e) if he has received a notice from the Authorized Officer pointing out the respect in which the work or building does not conform to the plans as approved by the County Government or contravenes the provisions of this Part, he shall alter or amend the work or building to conform to the said plans and to comply with the provisions of this Part within the time stated in such notice, and shall advise the County Planner, in writing, of the completion of the alteration or amendment;
- (f) provide sanitary conveniences for the workmen employed on the works to satisfaction of the medical officer of health;
- (g) erect such hoarding as shall be necessary for the protection of the public;
- (h) if any concrete or other material laid over the site, or any foundation bed, or foundation, or footing or damp-proof course is covered up before the same has been inspected and approved by the County Physical Planner, the County Planner will issue a notice in writing requiring him within the time specified in the notice to cut into, lay open or pull down so much of the building as prevents the County Physical Planner from ascertaining whether any of the provisions of this Part have been contravened or whether the approved plans have been complied with;
- (i) not to permit the damage or obstruction of any drain or drainage channel within any road

reserve during building operations; not dump or permit to be dumped any building materials or rubbish or erect any hoarding within any road reserve without the written consent of the County Physical Planner nor otherwise than in compliance with any conditions he may stipulate;

- (j) on completion of the building or work-
 - (i) remove from the site or from any adjacent land which he may have occupied all surplus building and excavated materials and all rubbish and leave such site or land clean and tidy; and
 - (ii) restore and leave in good condition all pipes, drains, roadways, kerbs, water channel, roadside drains, footways, pavements or other things which may have been damaged or through his operations and transport.
- (k) notify the County Physical Planner, in writing, when the erection of the building or execution of the work has been completed, such notice to be given as soon as practicable after completion thereof.

(2) Any person who fails to comply with the provisions of this Part shall be guilty of an offence.

153. (1) The owner of any plot or sub-plot who submitted any application to erect any building thereon shall, if required by the County Physical Planner, point out the survey beacons making the corners of such plot or sub-plot either before the application is approved or after the application is approved and before building operations are commenced.

Survey beacons

(2) Any person who fails to comply with the provisions of this Part shall be guilty of an offence.

154. (1) No foundation bed, foundations, footings, damp-proof course, reinforcement in reinforced concrete, roof construction or drain shall be covered up unless and until the said works have been inspected and approved by

Inspection of
foundation bed of
buildings

the County Planner.

Provided that such inspection shall be made within three days of the receipt by the County Physical Planner of a notice, in writing from the owner of the building or the builder that such works are ready for inspection.

(2) Any person who contravenes the provisions of this Part shall be guilty of an offence.

155. The approval of any plans, drawings, sections, particulars or calculations of any building or structure or work or the inspection thereof shall not in any way impose or imply acceptance of any responsibility on the part of County Government for the structural stability of any such building, structure or work.

Qualification of approval.

156. (1) Every owner who shall intend to occupy a new building or permit the same to be occupied shall furnish to the County Government with a certificate of completion, signed by him or his authorized agent, to the effect that the building has been completed in every respect in accordance with the approved plans and particulars thereof, and shall apply for a certificate of occupation.

Certificate of completion.

(2) On receipt of such certificate, the County Physical Planner, County Fire Officer and Public Health Officer, if satisfied that the building is in conformity with such approved plans and particulars and that it is fit for occupation, shall issue a certificate of occupation.

(3) A person shall not occupy any new building or being the owner thereof allow such building to be occupied unless and until he has obtained a written permit of occupation as required by the provision of this Part.

(4) Any person who fails to comply with the provisions of this Part shall be guilty of an offence.

157. (1) Where any building has been erected, a person shall not except with the permission of the County Government given under the hand of the County Physical Planner and upon such terms as the County Government may prescribe, use or being the owner thereof allow to be used such building otherwise than for the purposes specified or indicated in the approved plan in respect thereof and for which purposes the building was

User other than that specified

constructed.

(2) "Purpose" or "purposes" in this Part shall mean the particular purpose for which a building or part thereof has been erected or to which it has lawfully been altered and not solely its general purpose as a domestic building, public building or other type of building.

(3) In a domestic building only, that portion thereof which has been erected as a dwelling may be used as such. In a dwelling any habitable room therein which complies with the provisions may be used as such notwithstanding its designation on the approved plans but no apartment such as a larder, store, pantry, closet or scullery, not designated or designed as a habitable room shall be used as a habitable room. No apartment provided in connection with a domestic building for the express purpose of housing domestic servants shall be used by other than domestic servants of the occupier or occupiers of the building.

(4) Any person who contravenes the provisions of this section shall be guilty of an offence.

158. (1) All public and industrial/warehouses for public use shall be designed and constructed as to allow maximum access and facilities for the people living with disabilities such toilets, lifts and access facilities.

Facilities for people living with disabilities in new and existing buildings

(2) All existing public and industrial/warehouses for public use shall be modified to accommodate maximum access and facilities for people living with disabilities such as toilets, lifts and access facilities within such time frame as shall be specified upon commencement of this Act.

159. (1) The County Government shall issue "safety/performance certificate (SPCC) to all buildings periodically every five (5) years. The SPCC shall cover all aspects of maintenance mentioned here below.

Safety and performance certificate.

(2) Planned maintenance- maintenance carried out as a result of fore thought, control and the issue of records to a predetermined plan.

(3) Preventive maintenance: - the maintenance carried out at predetermined intervals or corresponding to prescribed criteria and intended to reduce the probability of

failure or the performance degradation of an item. An all-inclusive audit shall be conducted to ascertain all aspects of building constructed and installation.

(4) Condition based maintenance the preventive maintenances initiated as a result of knowledge of the condition of the building from routine or continuous monitoring that is through periodic condition surveys.

160. (1) safety/performance compliance certificates shall be classified into the following categories for the different types of buildings—

Classification of
safety/performance
compliance
certificate

- (a) category 1;
- (b) category 2; and
- (c) category 3.

Where category 1: Domestic/Public/Industrial buildings which are sound and which do not require any immediate maintenance activities/remedial action.

Where category 2: Domestic/Public/Industrial buildings which are sound and but with minor defects requiring remedial action.

Where category 3: Domestic/Public/Industrial buildings which have deteriorated to a level where no remedial action can restore it to original designed function and is therefore condemned and must be demolished.

(2) The buildings to which categories (2) and (3) of this Part apply are Domestic building, Industrial/factory/warehouse buildings and Public buildings with the exception of buildings of historical value as defined in the relevant Act.

161. (1) For the purposes of conservation and heritage, the County Government shall need to regularly identify and list buildings of historic and heritage value.

Conservation and
heritage.

(2) The above buildings are to be protected and conserved by the owners. They should not be demolished or altered without authority of the County Government who will work in consultation with antiquities bodies or National Museums of Kenya.

(3) Incentives in the form of reduction on land taxes

to be provided for by the National Government and County Government.

(4) The buildings and their neighbourhoods to be identified and preserved as conservation sites or areas.

162. The County Government will put in place zoning maps which will guide developments within the County. These are to be reviewed regularly within the review period of development strategies. Spot zoning- anything missed out for through spot zoning. It is important that a building code would need to be adopted by the County Government to be put in operation.

Strategic
development plan.

163. If in connection with a development application of the opinion for industrial location, dumping site, sewerage treatment, quarries or any other development activities will have injurious impact on the environment, the applicant shall be required to submit together with the application an environmental Impact assessment report.

Environmental
impact assessment.

164. (1) No private land within the County may be subdivided except in accordance with the requirements of the County's Physical Development Plans approved in relation to that area under this Part and upon application made in the form prescribed in the fourth schedule of the Physical Planning Act.

Subdivisions.

(2) The sub-division and land use plans in relation to any private land shall be prepared by a registered physical planner and such plans be subjected to the approval by the County Government.

(3) Where in the opinion of the County Government an application in respect of development, change of user or subdivision has important impact on contiguous land or does not conform to any conditions registered against the title deed of the property, the County Government shall, at the expense of the applicant, publish the notice of the application in the Gazette or in such other manner as it is deemed expedient, and shall serve copies of the application on every owner or occupier of the property adjacent to the land to which the application relates and to such other persons as the County Government deems fit.

(4) If the County Government receives any objection to,

or representation in connection with an application made under sub-section (1), the County Government shall notify the applicant of such objection or representations and shall before the application is determined by it afford the applicant an opportunity to make representation in response to such objections or representations.

(5) The County Government may approve with or without such modifications and subject to such conditions as it may deem fit, or refuse to approve, an application made under sub section (1).

(6) Any person carrying out subdivision of more than five acres and change of user from agriculture to commercial, residential or industry shall provide ten percent of land for public use and communicate the same and surrender to County Government strictly for public utility.

(7) Any person who contravenes sub-section (6) above shall be guilty of an offence under this Part.

Provided that if such person is aggrieved by a decision of County Liaison Committee he may appeal against such decision to the National Liaison Committee in writing stating the grounds of his appeal: provided further that the appeal against the decision of the National Liaison Committee may be made to the High Court in accordance with the rules of procedure for the time being to the High Court.

165. A person who fails to comply with the provisions of this Part shall be guilty of an offence and shall be liable to a fine not exceeding Kenya Shillings One Hundred Thousand and to imprisonment to a term not exceeding seven months or both.

Offences and Penalties.

PART XI—COUNTY GOVERNMENT RENTAL HOUSES

166. This Part shall apply to all County Government estate tenants.

Application.

167. The tenant shall not assign, underlet or part with the possession of the premises or any part thereof without the written consent of the County Government.

Assigning or subletting.

168. The tenant shall pay the rent reserved in advance

Payment of rent

on or before the first day of every month at the County's Government appointed revenue offices as per the approved fees and charges.

169. A tenant shall not without a written consent of the County Government make any alterations or additions to the premises and shall not remove any partitions, doors or other fittings and fixtures so affixed and designed by the County Government.

Alteration, additions to the approved design of the premises

170. (1) A tenant shall not construct or cause to be constructed any structures for dwelling whether permanent or semi-permanent in nature within the County Government's estates.

Illegal extensions to buildings.

(2) Any tenant who contravenes sub-section (1) above shall in addition to the penalties prescribed under this Part be liable to have the said structures demolished at the tenant's cost.

171. The County Government may upon giving a notice of twenty eight days to a tenant, who has breached these provisions, evict the said tenant.

Eviction.

172. The County Government shall at the time of evicting a tenant who is in rent arrears, impound the tenant's household goods and after the expiry of the notice given to the tenant to clear the rent arrears have the right to dispose off the tenants goods to enable the County Government recover the rent arrears.

Impounding and sale of tenants goods for recovery of rent arrears

173. (1) Any tenant who upon eviction from the County Government's premises and before settling any rent arrears or receiving a written authority of re-entry to the premises forcefully breaks into and damages any part of the premises shall be guilty of an offence under this Section.

Forceful or breaking into the premises

(2) Any tenant who is in breach of this Section shall be liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding nine months or both.

174. The tenant shall allow the estate officer or any other officer authorised in writing by the County Government to carry out an inspection of the premises upon receiving a reasonable notice and the inspection carried out within working hours.

Inspection of premises.

175. No tenant shall keep any poultry or animals on the premises (except as domestic pets). Keeping of animals or poultry.

176. A tenant shall not plant any crop in his garden or compound of the premises he occupies unless with a written consent of the estate manager. Planting of crops

177. A tenant shall not permit or cause to be done in or about the premises anything which in the opinion of the County Government may be or become a nuisance or annoyance to the County Government or to the occupants of neighbouring premises or to the public generally. Nuisance

178. A tenant shall not use the premises for commercial purposes and shall not conduct any business or cause to be conducted any business activity whatsoever, but shall rather use the premises as a private residence only and for no other purpose whatsoever. Premises to be used on as private residence

179. A tenant shall not damage the floors, walls, timber of the premises, water pipes, boundary fences, hedges or cut any of trees. Damages to floors, walls, timber premises trees, water pipes, boundary fences, hedges

180. Any notice required to be served under this Part shall be deemed to have been served if the same is either delivered at the tenant's premises or posted to the tenant's registered post. Notices

181. A person who does not comply with the provisions under this Part shall be guilty of an offence. Offences.

182. Any person who is guilty of an offence under this Part shall be liable to a fine not exceeding seven thousand shillings or to imprisonment for a term not exceeding seven months or both. Penalties.

PART XII—SLAUGHTER HOUSES

183. The County Government may establish and maintain slaughterhouses for the slaughter of animals and may appoint a manager to be in charge thereof. Establishment of slaughter houses

184. (1) A person shall not, except with the written permission of the Authorized Officer— Slaughter of animals.

- (a) slaughter an animal elsewhere other than the slaughter house; or

- (b) bring a slaughtered animal or meat into the County.

185. (1) A slaughterhouse shall be open on such days and during such hours as the County Government shall determine.

Opening and closing

(2) A person shall not remain in a slaughterhouse during the hours in which it is closed.

186. (1) The inspecting officer may require a person intending to slaughter an animal to use such methods of slaughtering instrument and appliances or to adopt such methods of slaughtering or to otherwise take such precautions as are necessary to secure the infliction on the animal or as little pain or suffering as practicable.

Methods of slaughtering

(2) A person shall not—

- (a) drive or bring an animal to the slaughter house in such a manner to inflict on it unnecessary pain and suffering;
- (b) use an instrument for slaughtering or stunning an animal unless his training, physical condition and ability qualify him to use the instrument to inflict on the animal as little pain as practicable;
- (c) slaughter or cause to suffer an animal in the presence or in view of another animal; or
- (d) proceed to slaughter or cause an animal to be slaughtered until that animal is securely fastened to enable it to be slaughtered with as little pain as possible.

187. (1) No dead or moribund animals shall be admitted into a Slaughterhouse.

Dead or moribund animals, gut cleansing

(2) The process of the gut cleaning shall only be carried out in that part of the slaughterhouse set-aside for the purpose and only between such hours as may be from time to time prescribed by the County Government.

188. (1) The hide or skin, fat and offal of every animal slaughtered in a slaughterhouse shall be removed within twelve hours after the slaughtering of the animal.

Disposal.

(2) Blood, manure and gut contents shall be deposited in the place or receptacles provided for that purpose.

189. (1) No dogs shall be allowed in or near a slaughterhouse.

Dogs at slaughter houses.

(2) Any person who causes or permit a dog to be in or near a slaughterhouse shall be guilty of an offence.

190. (1) A person shall not enter or be admitted to a slaughterhouse except with permission of a manager and on such condition as he may impose.

Admission into the slaughter house

191. (1) The manager may permit animals intended for penning to remain in the slaughterhouse pen during the hours in which the slaughterhouse is closed

Liability

(2) The County Government shall not be liable for any loss of, or injury to an animal left in the slaughter house pen pursuant to this Part.

(3) Any person who allows or causes an animal to remain in the slaughterhouse pen during the hours which it is closed otherwise than with the permission of the manager shall be guilty of an offence under this Part.

192. (1) The manager or inspecting officer may at any time order the slaughter of an animal which has been permitted to remain in the slaughter house pen if it appears to the manager or the inspecting officer that it is necessary or advisable for the prevention of the spread of diseases or for humane reasons.

Prevention of spread of disease

(2) No liability shall attach to the County Government, the Manager or the inspecting officer in respect thereof.

193. Every person in a slaughterhouse who fails or refuses to comply with or obey all lawful instructions, directions and orders given by the Manager for the purpose of controlling or supervising the slaughterhouse shall be guilty of an offence under this Part.

Lawful instruction.

194. Any person who obstructs or hinders the Manager or the Inspecting Officer in the course of his duties shall be guilty of an offence under this Part.

Obstruction of officers

195. The County Manager or the Inspecting Officer shall not be liable for any loss or damage suffered—

Exemption from Liability

- (a) during the slaughtering process or,
- (b) in the course of transporting the meat from the slaughterhouse for delivery.

196. (1) The fees payable for the services rendered under this part shall be in accordance to the approved fees and charges. Fees.

(2) The fees under this Part shall be payable in advance.

197. A person who does not comply with the provisions under this Part shall be guilty of an offence. Offences

198. Any person who is guilty of an offence under this Part shall be liable to a fine not exceeding seven thousand shillings or imprisonment for a term not exceeding seven months or both. Penalties

PART XIII—PRIVATE LEARNING INSTITUTION

199. A person shall not carry on the business of a learning institution within the County unless he holds a valid permit and the premises meet the required standards. Permitted premises.

200. Every application for the permits to carry on business of a learning institution and for the premises shall be made in writing and shall be addressed to the Authorized Officer and such application shall set forth-the name, address and occupation of the applicant; the description of the premises in which it is proposed to carry on the business of a learning institution; the number of persons proposed to be employed to teach and take care of children, pupil or student accommodated in the proposed learning institution. Form of permit

201. No permit shall be granted for a longer period than one year and every permit shall expire on the 31st of December of the year in which it is granted. Duration

202. A permit shall not be transferable either from the holder thereof to any other person or from the permitted premises to any other premises without prior consent in writing of the County Government. Transfer of permit not allowed

203. No permit shall be granted unless the County Government is satisfied that— Conditions for issuance of permit

- (a) the premises in respect of which a permit is

desired comply with any Building Plan for the time being in force in the County Government;

- (b) the premises are suitable in all respects for use as a learning institution and are capable of accommodating the number of children or pupils or students proposed to be accommodated therein;
- (c) the number of persons proposed to be employed to teach and take care of children or pupils/students is sufficient to safeguard their health, or safety; and
- (d) the learning institutions meets the Ministry of Education set standards.

204. The permit holder shall maintain the permitted premises in good order and condition to the satisfaction of the County Government and in the event of his failure so to do, the County Government may cause a notice to be served upon the permit holder requiring him within the period specified in the notice, to carry out such works as may in the opinion of the County Government be necessary to put such premises in good order and condition and if the permit holder fails to do such work within the time specified in such notice he shall be guilty of an offence under this Part.

Conditions of premises

205. (1) The permit holder shall not permit a person suffering from an infectious, contagious.

Infected persons.

(2) Any person working in a learning institution permitted under this Part must have a valid medical certificate from a recognized Medical Officer.

206. The Medical Officer of Health or any other Officer authorized by the County Government in that behalf may at all reasonable times enter and inspect any premises in the County which he has reasonable cause to believe are being used for the purpose of carrying on a learning institution.

Inspection of schools

207. The fee payable for the grant, renewal or transfer of a permit under this Part shall be as per the approved fees and charges.

Fees.

208. The permit holder shall be responsible for the due observance of this Act in respect of the premises for which he holds a permit and any breach thereof by any servant of the permit holder shall be deemed to be a breach by the permit holder.

Duty of permit holder

209. A person who does not comply with the provisions of this Part shall be guilty of an offence.

Offences

210. Any person who is guilty of an offence under this Part shall be liable to a fine not exceeding One Hundred Thousand Shillings or imprisonment for a term or both.

Penalties.

PART XIV—HAWKING

211. (1) Every application for permit shall be made to the /Authorized Officer using the prescribed form, and the applicant shall furnish the Accounting Officer/Authorized Officer with particulars of the commodity, and the place or places at which he intends to engage in hawking.

Application for permit.

(2) A person shall not engage in hawking unless such person has obtained a permit for carrying out such business or trade within the specified area.

212. (1) The County Government in its discretion, upon payment to the Authorized Officer of the appropriate fees in the approved fees and charges as provided for in this Act, issue under the hand of the Authorized Officer a Business permit, permitting the person named therein to engage in hawking subject to such terms and conditions, if any, as may be specified in the permit.

Issuance of permit.

(2) Without prejudice to the generality of sub-section (1), a permit may be restricted to a particular area or specified goods, wares, merchandise and refreshments.

(3) There shall be issued with each permit a badge relating thereto.

213. (1) Every person required by the provisions of this Act to hold a permit shall, whilst engaged in hawking, carry with him and produce it on demand to a to a duly authorized officer or Inspection Officer of the County Government or a police officer, and shall wear in a conspicuous place the badge relating to his permit.

Production of a permit

(2) Any such Authorized Officer of the County

Government or Police Officer may inspect any article which he has reasonable cause to believe is being used for the purpose of hawking.

(3) Any person who obstructs hinders or otherwise interferes with any such duly Authorized officer, inspector in the execution of his duties under this Act, or who fails to comply with any of the provisions of this Part shall be guilty of an offence.

214. (1)The County Government may in its discretion and upon payment to the Authorized Officer of the appropriate fees prescribed in, issue under the hand of the Authorized Officer a permit, authorizing the person named therein to be employed by or to assist a person having permit under this Act who—

Hawker's assistant

- (a) hawks refreshments; or
- (b) is disabled.

Provided that—

- (i) not more than one permit shall be issued under this section in respect of each permit; or
- (ii) where a permit is issued under this section the relevant permit issued shall be endorsed with the words "One Assistant's Permit Issued".

215. Any permit holder who, without the written consent of the Authorized Officer, transfers his permit or badge issued relating thereto to any other person shall be guilty of an offence.

Transfer of permit

216. Any person who without a valid permit and engages in hawking or permit holder who engages in hawking in a non-designated area shall have his goods impounded and forfeited to the County Government, except—

Impounding of goods

if the offending Hawker is arraigned in court and charged with the offence, the impounded goods may be released to the accused upon payment of the fine or completion of the jail term.

217. Any person who engages in hawking with or without a permit within the restricted areas of the central

Hawking in central business district

business areas defined by the County Government from time to time shall be guilty of an offence under this Act.

218. (1) Any person who solicits, bargains, induces or negotiates with any hawker with a view to buy or sell any hawking goods in a non-designated area shall be guilty of an offence.

Buying, negotiating, soliciting and inducing.

219. A person who does not comply with the provisions of this Part shall be guilty of an offence.

Offences.

220. Any person who is guilty of an offence under this part shall be liable to a fine not exceeding five thousand shillings or imprisonment for a term not exceeding seven months or both.

Penalties.

PART XV—DRAINAGE AND SEWARAGE

221. Where any building is without adequate provisions for conveying surface water there from to a surface water sewer or where such provisions has been made but has fallen into disrepair, the owner of such building shall—

Provision for conveying surface water

- (a) on and within such reasonable time as shall be specified therein, provide guttering on downpipes or execute such other work as may be necessary to any surface water sewer which is within seventy yards of the boundary of the plot on which such building is erected or if there is no surface water sewer within the distance; or
- (b) if, it is not practical to connect to such sewer otherwise suitably dispose of such surface water to the satisfaction of the County Government.

222. (1) Where any building is without provisions for conveying foul water there from to a foul sewer, the owner of such building shall—

Provision of conveying foul water

- (a) on receipt of a notice from the Authorized Officer requiring him to do so and within such reasonable time as may be specified within, provide a drain connecting to any foul sewer which is within seventy yards of the boundary

of the plot on which such building is erected;
and

- (b) if this is not practical to connect with such sewer, then emptying into a septic tank or otherwise, as the County may direct.

(2) Every such drain shall be constructed of such materials, be of such size and be laid at such level and in such a manner and with such falls as the County require.

223. (1) If appears to the County that when two or more buildings are to be connected to a sewer they may be drained more economically or advantageously by private sewer than by separate drains, the County Government may, if an adequate public sewer exists or is about to be constructed within seventy yards of any part of the plot on which such building are erected and it is practical to connect therewith, order that such building be drained by a private sewer to be constructed by the owner of such building in accordance with plans to be approved by the County within such the reasonable time as shall be specified in such order.

Construction of
private sewer

(2) The cost of the construction of such private sewer and of the repair and maintenance thereof shall be appointed between the owners of such building in such manner as the County Government shall determine.

224. (1) every new building shall be provided with an effective drain, to be constructed in accordance with the County Government's requirements, emptying into such public sewer as are within seventy yards of the boundary of the plot on which such building is or is to be developed, or if there be no public sewers within that distance, or if it is not practical to connect with such sewers, then emptying into septic tank or soak ways or otherwise as the County Government may direct.

Provision of drain
for new buildings

(2) A person shall not occupy or permit to be occupied any building unless it is equipped with an effective drain as provided in sub-section (1).

(3) For the purpose of this Act, the expression "new building" shall include any building and two external walls of which have been pulled down to or below the level of the ground floor and which has been rebuilt.

225. Notwithstanding anything contained in this Part, a person shall not cause or permit any sub-soil surface store or rain water or any drain for conveyance with any fouled water or with any drain for conveyance of such waters to discharge into or communicate with any foul sewer or with any foul water of any drain for the conveyance of sub-soil surface, storm or rain water.

Prohibition of conveyance of fouled water into sub-soil surface store or rain water

226. If it appears to the County that any building is not provided with drain or other appliance for carrying off waste water from such building, the owner of such building shall on receipt of a notice from the Authorized Officer requiring him to do so, provide such drain within reasonable time as may be specified in such notice.

Notice for provision of drain

227. (1) if any sanitary accommodation of a type other than a water closet is installed or erected on a plot and the boundary is within seventy yards of a foul sewer, and it is practical to connect with such foul sewer, the County Government may, by notice in writing, require the owner of such plot, within reasonable time, to connect such sanitation by means of an approved drain to the foul sewer.

Connection to a foul sewer to be seventy yards from a boundary

(2) If any sanitary accommodation of a type other than a water closet is installed or erected on a plot where the boundary is not within seventy yards of a foul sewer, the County Government may by a notice in writing require the owner thereof, within such reasonable time as may be specified in such notice to convert such sanitary accommodation into or replace it by water borne sanitation or if there is an adequate septic tank into which such water borne sanitation may drain the septic tank, then the County Government may require the owner thereof to construct within a reasonable time an adequate septic tank and connect such water borne sanitation thereto.

(3) Where, under this Part, any sanitary accommodation has been replaced by water-borne sanitation the County Government may by notice in writing require the owner of such sanitary accommodation to remove it within such time as be specified in such notice.

228. (1) Where the sewerage or waste water from a building erected on a plot and the boundary whereof is within seventy yards of a public sewer (and it is practical to connect to such sewer empties into a cesspool, septic

Notice to connect to a public sewer

tank, or elsewhere than into a sewer the County Government may, by written notice, require the owner of such building within such reasonable time as may be specified in such notice, to cause the sewerage or waste water from such building to discharge into such public sewer in a manner and by the use of such materials as the County Government may require.

(2)The County Government may thereafter, by notice in writing, require the owner of such building within such reasonable time as may be specified therein to remove such cesspool, septic tank or other receptacle and to fill in the ground form which it may be removed.

229. The owner of any building shall, at his or her own expenses, maintain all drains and all drainage works constructed upon or in connection with such building in an efficient condition and in a proper state or repair to the satisfaction of the County Government.

Maintenance of drains.

230. (1) If it appears to a duly authorized officer by the County Government that any drain, sanitary accommodation, cesspool, septic tank, or other appliance or apparatus for drainage of any building is in a bad state or repair or is inefficient or is a nuisance or injurious or dangerous to health may, after twenty four hours written notice to the occupier of such building or, in the case of emergency, without notice, cause such building and the cartilage thereof to be entered and the ground to be opened and such drain, sanitary accommodation, cesspool, septic tank or other appliance or apparatus for drainage to be examined.

Examination of drainages

(2)If, after service of the notice as aforesaid the owner neglects to comply with the provision thereof or if such owner cannot immediately be found the Authorized Officer may cause such works as he thinks proper to be done for effecting the removal of such stoppage and the expenses thereof shall be payable by the owner and shall be a civil debt recoverable summarily.

(3)The costs and expenses incidental to the removal of any stoppages as aforesaid in a private sewer shall be apportioned by the County Government between the owners of such premises as are drained into such private sewer.

231. Where it is the opinion of the County Government the introduction into any public sewer of any solid matter, suspended matter, mud, chemical or trade or manufacturing affluent or other waste (inclusive of vapours or gaseous matter) or any steam condensing water, heated water or other liquids, whether directly or through any drain or channel communicating with such public sewer either does or may cause a nuisance or involve danger to the health of persons entering such sewer, or others, or is or may be injurious to the structure or materials of such sewer, or other works, the County Government may serve upon the owner or occupier of any premises a written notice, absolutely prohibiting from a date to be stated in such notice, not being earlier than fourteen days from the date to be stated in such notice, not being earlier than fourteen days from the date of service of such matter or matters as aforesaid being caused or permitted to fall, flow or enter or be carried or washed into, any public sewer either directly or indirectly;

Prohibition of
draining into a
public sewer.

Provided that the County Government shall not be required to serve a notice upon the same person more than once.

232. (1) The County Government may grant permission for the matter referred to in Section 228 to flow into any public sewer upon such terms and for such period and during such time as it may in its absolute discretion, determine.

Grant of permission

(2) Where the County Government grants permission, under sub-section (1), for any matter referred to in Section 228 to flow into any public sewer, and extra expense is or is likely to be caused to the County Government then the terms for the granting of such permission may include a provision for the payment to the County Government by the person requiring such permission of such sums as the County may decide, and such sum or sums shall be in addition to any other fees or charges which may fall due to the County Government.

(3) Any person who contravenes or fails to comply with the terms of any permission granted under this Part shall be guilty on an offence.

(4) Where any person has been convicted of an offence

for contravening or falling to comply with the terms of any permission granted under this Part the County Government may, by a written notice served on such person, revoke such permission as from such date as shall be specified therein and may take such action as is referred to in this Act.

233. The County Government may, at its own discretion, by notice require the owner of any premises from which a private sewer connect to any public sewer to construct in connection with any pipe or channel conveying such affluent, an inspection chamber of such dimensions as the County Government may think fit, and any duly authorized officer shall at all times have access to such chamber and may examine and measure the discharge from such premises and may take samples there from.

Inspection chamber.

234. (1) A person shall not throw or introduce or cause or permit any other person to throw or introduce into any septic tank, cesspool, drain, soil-pipe solid-water fitting or sewer, any stones, tins bottles, ashes or other matter liable to interfere with the free flow of sewerage or damage any such septic tank, cesspool, drain, soil water fitting or sewer.

interference with free flow of sewerage.

(2) Any person who contravenes this shall be guilty of an offence.

235. (1) The owner and occupier of any premises shall maintain all opening whether for ventilation or otherwise, to any drain, and also all taps, gullies and other drainage fittings in connection therewith in a reasonable clean condition and free from obstruction.

Maintenance of opening to any drain

(2) Any person who contravenes this section shall be guilty of an offence.

236. (1) The owner of any premises who intends to cause any drain to be constructed in connection with such premises, to empty into a sewer, or who has been required under this Act to construct a drain emptying into a sewer shall submit to the County Government an application for permission to construct a drain to connect to such sewer.

Permission to construct a drain

(2) An application for permission to construct a drain to connect to sewer shall be in such form as the County may

from time to time determine and shall be accompanied by such plans and other information as the County Government may require.

(3) The fee prescribed in the approved fees and charges currently in use shall be paid to the County Government with each application for permission to connect to a public sewer.

(4) As soon as the County Government is satisfied that the owner of the said building is entitled has met the requirements necessary to connect to any drain there from with a sewer and that the making of such connection would not contravene this Act the County Chief Engineer shall so notify the owner.

(5) No person other than an employee or agent of the County Government shall make any connection.

(6) The County Government shall at the earliest practicable date after the service of the notification referred to in sub-section (4) and provided all fees due under this Part have been paid, construct the sewer connection.

(7) The County Government may close, demolish or remove any sewer connection made in contravention of this Act and may recover as a civil debt recoverable summarily from the person making such sewer connection or causing such connection to be made.

237. The owner of any premises who carries out or wishes to carry out any drainage works in any street or other place under the control of the County Government shall comply in all respects with the conditions specified in the first schedule.

Conditions for
drainage works

238. (1) The owner of any premises outside the County may, with the consent of the County Government and subject to this Act, cause any drain constructed upon or in connection with such premises to empty into any sewer within the County upon such terms and conditions as may be agreed upon between such owner and the County Government.

Construction of
drains

Provided that a person shall not cause any drain to empty into such sewer until terms and conditions have been agreed upon.

(2) Any person who contravenes this shall be guilty of an offence.

239. In all cases where, in accordance with this Act, any work is carried out by the County Government in respect of which the County Government is entitled to recover the cost from any person, there may be included in the cost claimed and recoverable such sum as the County Government shall prescribe to cover the cost of surveys, plans, specifications, quantities, supervision, and the use of tools and plants, and there shall also be included in such cost any expenditure involved in disturbing and making good the surface of any road, street, foot-way or ground affected.

Recovery of costs

240. (1) Every person who constructs any drain or private sewer shall lay such drain or private sewer and carry out any excavation necessary for the construction of such drain or private sewer in an expeditious manner and shall maintain during the progress of such hoarding, strutting, shoring and lights as may be necessary for the protection of all persons and property liable to be affected by the works.

Safety measures

(2) Any person who contravenes this shall be guilty of an offence.

241. Every person who carries out any drainage work shall, as soon as such works is ready for testing, give notice in writing to the County Government that such work is ready for testing and shall afford to any works as may be deemed necessary upon receipt of any notice aforesaid, the County Government shall within four days cause such work to be inspected and tested.

Request for testing.

242. A person shall not proceed to cover up any drainage work until such work has been inspected, tested, and approved by a duly authorized officer and any person who contravenes this Act shall be guilty of an offence.

Cover of drainage work before inspection

243. Where any person carries out any drainage work and where after completion, such works has been inspected, tested and approved, the County Government shall if required, issue to the owner of the premises upon which such work has been carried out a certificate in writing that that the said work, after completion,

Issuance of a certificate upon approval.

inspection, and testing has been approved.

Provided that such certificate shall not in any way be held to impose any liability on the County Government or any of its officers or any authorized officer for any loss or damage that may be caused through such work not being assigned on or carried out in a proper and efficient manner or through any such work being carried out otherwise than in accordance with the approved plans and any provisions of this Act.

244. (1) The owner of every building, and of every place where workers are employed shall provide sufficient number of latrines for the use of the inhabitants and workers in the building or place, and such accommodation shall be conveniently sited to the satisfaction of the Medical Officer of Health or such other officer as the County Government may authorize for the purpose of this Act.

Provisions of
latrines.

(2) Any person who contravenes or fails to comply with this shall be guilty of an offence.

245. (1) A person shall not construct or carry out any drainage work unless such person is in lawful possession of a permit obtained from the County Government authorizing him to do so.

Form of permit

(2) Such permit shall be in the form of a plumber's permit or a drain layer's permit and any person to whom any such permit as aforementioned has been issued by the County Government shall be empowered to construct or carry such works as are specified in such permit.

Provided that nothing contained in the Act shall be deemed to prohibit any workman carrying out any such under the direction, supervision and control of the permitted plumber or permitted drain layer, or under the authorization of the County Government.

(3) The person seeking registration and grant of permit shall pay to the County Government upon the issue of the permit under the Act, the prescribed fees in the approved fees and charges.

(4) Any person who contravenes this shall be guilty of an offence.

246. No plumber's permit or drain layer's permit shall be issued by the County Government to any person until such person satisfies to the County Government as to his or her competence to carry out the work of a permitted plumber or a permitted drain layer, and the County Government may require any person who seeks or applies for a plumber's permit or a drain layer's permit.

Examination of plumbers pursuant to grant of permit.

247. The County Government shall keep and maintain a register of all permits issued under this Part, which register shall be opened to public inspection during office hours.

Register

248. Every person to whom a plumber's permit or a drain layer's permit has been issued by the County Government under this Act, shall if called upon at any reasonable time to do so, produce his or her permit for the inspection by a duly authorized officer and any person who contravenes this shall be guilty of an offence.

inspection of plumbers permit

249. The County Government may at any time cancel any permit issued to any plumber or drain layer under this Act if the County Government is satisfied that such permitted plumber or such permitted drain layer has either by himself or herself or by his or her workmen caused or permitted any plumbing or drain laying work to be carried out in a negligent or workmanlike manner to the injury of any person or property or contrary to this Act relating to drainage works.

Cancellation of a plumber's permit

Provided that prior to the cancellation of any such permit as aforesaid the person whose permit it is proposed to cancel shall be given an opportunity of appearing before the County Government or before a committee appointed by the County Government, and being heard in his or her own expense.

250. (1) If, after service of written notice under this Part the person on whom such notice is served fails to comply with the notice and the expense thereof shall be payable by the persons on whom the written notice was served and shall be a civil debt revocable summarily.

Failure to comply with a notice.

(2) Any person who fails to comply with the provisions of written notice served upon him under this Part shall be guilty of an offence.

251. A person who fails to comply with the provisions of this Part shall be guilty of an offence.

Offences

252. A person who is guilty of an offence under this Part shall be liable to a fine not exceeding seven thousand shillings or imprisonment for a term not exceeding seven months or both.

Penalties.

253. A person shall not carry out or cause quarrying operations to be carried out on land within the area of jurisdiction of the County except under, and in accordance with permit issued by the Authorized officer.

Prohibition of quarrying activities.

254. (1) Any person who wishes to carry out quarrying operations on land within the area of jurisdiction of the County shall apply in writing to the Authorized officer for the grant of a permit.

Application for permit

- (a) The Authorized officer may require an applicant for a permit—
 - (i) to submit a plan of the site showing that area of land on which he proposes to quarry and a plan for the surrounding land; and
 - (ii) to furnish him with such other information as he may require.
- (b) Where the application for a permit is made by the owner of land on which the quarrying operations are to be carried on, the owner shall state in his or her application the quarrying operations to be carried on, the owner shall state in his or her application whether the quarrying will be done by himself or herself or some other person and in later case shall give the name and address of that other person.
- (c) Where the application is made by a contractor or lessee, that contractor or lessee, shall attach to his or her application the written permission of the owner stating that the owner has agreed to the quarrying on the land.
- (d) The Authorized officer may, on being satisfied that the quarrying operations are not

detrimental to public health and safety, issue a permit to the applicant under such conditions as he or she may consider necessary.

255. (1) Subject to paragraph (2) below every permit issued under this Act shall be valid until the 31st December of the year in respect of which it is issued.

Duration of a permit

(2) Where the Authorized officer is of the opinion that the permit holder has either by himself or herself, his or her servants or agents committed a breach of or failed to comply with condition subject to which the permit was issued, he may, without prejudice to the institution of proceedings against the permit-holder cancel the permit.

256. (1) A permit holder shall maintain and keep the quarry site plan, engrossments and other relevant documents and make them available for inspection by the Authorized officer or Medical Officer of Health.

Keeping of records

(2) For the purpose of this Act, all "relevant documents" includes orders and delivery books.

257. Every permit holder shall—

Provision of amenities to workers at a quarrying site

- (a) provide housing, water supply and latrines of type, quality and size approved by the medical officer of health for the persons working at the quarry;
- (a) at all times during the currency of the permit maintain the housing, water supply latrine in condition and state satisfactory to the medical officer of health;
- (b) maintain the land on which the quarrying operations is being carried on in a condition not detrimental to public health or safety;
- (c) filling or drain all holes or excavations as and when required by, and to the satisfaction of the Authorized officer or the medical officer of health;
- (d) securely fence holes or excavations to the satisfaction of the Authorized officer; and
- (e) comply with any special conditions which the Authorized officer may endorse on the permit.

258. (1) The Authorized officer or Medical Officer of Health may order a permit-holder to stop the quarrying operations and close the quarry if it appears to be that the quarry is in a condition dangerous to human life or detrimental to public health and safety.

Closure of a quarry.

(2) An order made under sub-section (1) above shall remain in force until the authorized officer is satisfied that the condition of the quarry has been satisfactorily improved.

259. A permit holder shall, before vacating the quarrying site—

Conditions before leaving a quarry site.

- (a) leave to the satisfaction of the /Authorized officer, the surface of the land which abuts upon the surface of the quarry in each condition and state as to prevent the dislodging of earth or rock from the surface by natural causes; and
- (b) fill in or drain all holes and excavations to the satisfaction of the Medical Officer of Health.

260. (1) The County Government, its officers, servants or agents may—

Entry and inspection

- (a) enter premises and carry out any inspection for the purpose of the enforcement of this Act;
- (b) execute work that may be necessary to remedy any breach of failure to comply with the provisions of this Act or any of the conditions under which a permit has been issued; or
- (c) recover the expenses incurred in carrying out the work in (b) above from the owner of the premises.

261. (1) Every permit holder shall pay the fees as per the approved fees and charges.

Fees

(2) Every common mineral dealer shall pay fees as per the approved fees and charges for every ton of common mineral removed from the quarry.

262. A person who fails to comply with the provisions of this Part shall be guilty of an offence.

Offences.

263. Any person who is guilty of an offence under the provisions of this Part shall be liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not twelve months or both.

Penalties.

PART XVI— SAND HARVESTING

264. (1) Save on small scale for domestic use of home construction, a person shall not use, cause or permit to remove sand from rivers, farms, ranches, road reserves, storm water drains, play grounds, for Commercial Enterprise or for the purpose of selling the sand to commercial sites, harvesters unless a valid permit is issued by the Authorized Officer for such trade, occupation or business.

Licensing of Sand harvesting.

(2) The license shall be issued and renewed on a monthly basis as per the approved fees and charges for the year.

265. (1) No person or agent shall transport sand within the County, unless a valid permit for such business has been issued by the County Government.

Licensing of sand transporters

266. An application for a permit under this Act shall be in such form as may be prescribed by the County Government.

Application for permit

Provided that the County may, in any particular case require an applicant to submit or supply such further information as the County Government shall deem fit.

267. (1) The County Government shall not approve any application made in the first instance for a permit in respect of any vehicle by a person who is not the owner of such vehicle.

Approval of permit.

(2) There shall be charged by the County Government for the issue of the said permit for sand harvesting fees in accordance with the approved fees and charges.

268. (1) The approved fees shall be payable to the County Government, for every application for a licence.

Payment of approved fee

(2) The approved fees shall be subject to review by the County Government from time to time.

269. (1) A licence issued under this Part shall not be

Prohibition of transfer of a permit.

transferred from one vehicle to another without the consent of the Authorized Officer.

(2) An application for the transfer of any license shall be in such form as may be prescribed by the County Government and shall be accompanied by the license to which it relates;

Provided that the County Government may in any particular case require an applicant for the transfer of a permit to submit or supply such further information as the County Government shall deem necessary.

(3) For each such transfer there shall be payable to the County Government such fee as may be prescribed in the approved fees and charges for the year.

(4) A memorandum of the transfer of any permit shall be endorsed on the permit by the County Government.

(5) Any person who contravenes the provision of this Section shall be guilty of an offence.

270. Any person who fails to comply with the provisions of this Part shall be guilty of an offence.

Offences

271. A person who is guilty of an offence under this Part shall be liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding seven or both.

Penalties

PART XVIII—POUNDS

272. (1) The County Government may establish, control and maintain for the reception and detention of any animals, vehicles or items impounded under this Act and may appoint a pound master to be in-charge of such pounds.

Establishment of Pounds

(2) Any person authorized to do so by the County Government may seize any animal found straying in any street, or public place or any vehicle or item being in use in contravention of this Act and may take such animal, vehicle or item to a pound to be impounded.

(3) The owner or occupier of any land may cause any animal which he or she finds trespassing on his or her land and may take it, or cause it to be taken to a pound to be impounded.

273. The Pound Master may receive into any pound

Receipt of animals

and detain therein any animal brought to him or her for such purpose, and he or she shall supply every animal impounded with suitable and sufficient food and drink.

by Pound Master

274. (1) Every person seeking the release of any impounded animal, vehicle or item properly impounded shall pay to the County Government or authorized agent the appropriate fee prescribed in the approved fees and charges.

Release of
impounded animal
vehicle or item

(2) The Pound Master shall not release any animal, vehicle or item from any pound until the person seeking such release has paid to the County Government the appropriate fee so prescribed.

(3) No animal shall be released from any pound within one month of being received into the pound to any other person, other than the owner of or the person normally having control of that animal.

275. Any animal, items or vehicle not claimed within one month of having been received into a pound shall be deemed to be ownerless.

Declaration of
unclaimed items
ownerless

276. The County Government, or any person so authorized by the County Government may sell or cause to be sold any animal deemed to be ownerless—

Sale of unclaimed
animals, items or
vehicles.

- (a) the proceeds of such sale shall be applied to the cost of such sale and the surplus, if any, shall be retained for a period of three months from the date of sale;
- (b) the surplus for such sale, if any shall be returned to the owner of the animal, item or vehicle sold upon proof of ownership and making of a claim within three months from the date of such sale;
- (c) any surplus from such sale, if not claimed within three months from the date of such sale shall be credited to the County Government; and
- (d) in the case of vehicle or item, the provisions of section 437 will apply.

277. It shall be lawful for the County Government, or any person authorized by the County Government to do so, at any time, to order the slaughter of any animal taken to a pound and detained therein, if it appears to the County Government that such slaughter is necessary or advisable for prevention of spread of disease or for humane reasons.

Slaughter of unclaimed animals

278. (1) No liability whatsoever shall attach to the County, the Pound Master, or any other person in respect of—

Immunity

- (a) the release of any animal other than to the owner or the person normally having control of the animal;
- (b) the payment of any proceeds of sale to a person other than the owner of the animal;
- (c) the slaughter of any animal; or
- (d) any loss or damage incurred by or caused to any person by the reason of or in the process of impounding any animal, vehicle or item according to this Act.

279. The County Government will from time to time impose fees and charges in respect to this Part.

Fees

280. A person who fails to comply with provisions of this Part shall be guilty of an offence.

Offences

281. A person who is guilty of an offence under this Part shall be liable to a fine not exceeding seven thousand or to imprisonment of a term not exceeding seven months or both.

Penalties

PART XIX—PUBLIC LAVATORIES

282. (1) The County Government may—

Partnership.

- (a) partner with any person to provide public lavatory services at a fee agreed between the parties;

Provided the above partnership is only for management purposes.

- (b) enter into a lease agreement with a private party to manage the existing public lavatories.

(2) The partnership and lease agreement mentioned in sub-section (1) above will be reviewed as agreed by the parties.

(3) The person managing the public lavatory shall pay for the water, sewerage, electricity and refuse to the relevant bodies.

(4) The person Managing or leasing a public lavatory will pay the County Government a monthly fee or quarterly fee or such a fee as may be agreed between the County Government and that person.

283. A person who uses or enters a lavatory shall not— Use of lavatory.

- (a) enter any water closet without first paying any fee which the County may charge for its use;
- (b) wilfully annoy or interfere in any way with the privacy of any other person using the convenience;
- (c) wilfully and improperly soil any part of the convenience;
- (d) write on, mark or otherwise deface or damage any part of the convenience;
- (e) affix any picture or printed or written matter to any part of the convenience;
- (f) leave any litter in the convenience except in any receptacle provided for the purpose; or
- (g) interfere with any officer or servant of the County Government or any other person authorized to manage the convenience in the execution of his or her duties:

284. (1) A person managing a lavatory shall keep the lavatory in a clean and in hygienic conditions at all times. Person managing a lavatory

(2) The disposal of liquid waste from a mobile toilet should be hygienic and disposed as directed by the County Government.

285. (1) The mobile toilet shall be permitted by the Authorized Officer on the advice of Medical Officer of Health and upon payment of applicable charges. Permit.

(2) Any other person carrying on convenience services

within the county will be required to obtain a permit from the Accounting/Authorized Officer on the advice of Medical Officer of Health at a fee as per the approved fees and charges.

(3) Any person who contravenes this Section shall be guilty of an offence.

286. A person who fails to comply with the provisions of the Part shall be liable to an offence.

Offences.

287. A person who is liable to an offence under this Part shall be liable to a fine not exceeding seven thousand shillings or to imprisonment of a term not exceeding seven months or both.

Penalties.

PART XX- RESTAURANT, EATING HOUSE, SNACK BAR AND CAFÉ

288. (1) An application for a permit shall be made using the single business permit application form.

Application for
permit

(2) if an application is for the renewal of an existing permit, it shall be delivered to the Accounting Officer on or before the 30th September of the year preceding that to which the application relates.

Provided that upon payment by the applicant of a late application fee as per the approved fees & charges the Authorized shall accept an application after the 30th September of the year preceding that to which the application relates.

(3) if an application is for a new permit, it shall be delivered to the Authorized Officer not less than 30 days before the date, which shall be specified in the application, upon which it is desired to commence business.

(4) The Authorized Officer may refuse to accept any application, which does not comply with the provisions of this Act.

289. (1) The permits which may be granted upon payment of fees as per the approved fees and charges under this Part are—

Permits.

- (a) a restaurant license;
- (b) an eating house license,

(c) a snack bar permit, and

(d) café

290. (1) The Authorized Officer may issue a permit and may attach there to such reasonable conditions as he may think fit.

Authorized Officer
to issue permit

(2) There shall be paid at the time the permit is issued the appropriate fee prescribed in the approved fees and charges.

(3) Every permit shall be issued under the hand of the Authorized Officer or of such officer of the County as he may in writing authorize in that behalf.

291. The Authorized Officer may refuse to grant a permit upon the advice of Medical Officer of Health.

Power to refuse to
grant permit.

292. (1) The Authorized Officer may, by written notice issued to the permit holder, cancel the permit in respect of any premises if so recommended by the Public Health Officer that the premises are, in a condition as to be dangerous to health or liable to contribute to the spread of disease or do not comply with any of the provisions of this Part.

Cancellation of
permit

(2) Where a permit has been cancelled under the provisions of sub-section (1) above, the Authorized Officer shall not issue any further permit in respect of the same premises without the applicant first obtaining the approval in writing of the Medical Officer of Health.

293. (1) The Authorized Officer may, with the approval of the Public Health Officer, on application and upon payment of the approved fees and charges transfer a permit from the holder thereof to another person.

Transfer of permit

(2) No permit may be transferred so as to be made applicable to premises other than those in respect of which the original application was made and the permit issued.

294. A permit issued to a body corporate shall be issued in the name of the body.

Permit to
corporation.

295. (1) An application for a duplicate permit shall be made in writing to the Authorized Officer and shall set forth details of the permit lost or destroyed and the manner

Application for
duplicate permit

in which it was lost or destroyed.

(2) The Authorized Officer shall, on payment by the applicant of a fee as per the approved fees and charges issue a duplicate permit.

296. (1) In the event of death, bankruptcy or unsoundness of mind of a permit holder, the widow/widower, executor, administrator, trustee or receiver manager or any other person approved by the Authorized Officer in writing shall carry on, until the end of the year in respect of which a permit has been issued, the business of the permit holder without any transfer of permit as the case may be.

Death bankruptcy or
unsoundness of
mind

(2) Every person permitted to carry on a business under the provisions of sub-section (1) above shall possess all the rights and be liable to all the duties and obligations of the original permit holder under this Part.

297. (1) A restaurant permit shall be an authority to the permit holder at the premises specified therein, to prepare or cook for sale and sell food for consumption.

Restaurants permit

(2) A restaurant shall comply with the following requirements of this Part.

- (a) dining space – sufficient space for the intended number of customers.
- (b) in relation to Kitchens—
 - (i) the floor shall be of an approved impervious material and shall be adequately drained.
 - (ii) the walls shall be tiled or finished in terrazzo to a height of six feet from the floor and above that height shall be either tiled, finished in terrazzo or rendered with cement plaster brought to a smooth finish and painted with a light coloured fire resistant washable paint;
 - (iii) cooking shall be done with electricity, gas, coal, anthracite, oil burning or charcoal-burning equipment of an approved type and such equipment shall

be sited to the satisfaction of the Public Health Officer;

- (iv) an approved means of extracting smoke and fumes shall be provided;
- (c) at least two suitable sinks of stainless steel with a constant supply of piped hot and cold water connected thereto or there over shall be provided and sited to the satisfaction of the Public Health Officer;
- (d) without prejudice to the generality of subparagraph (c) of this paragraph, there shall be provided for the cleaning and preparation of vegetables a sink of stainless steel, which shall be situated in a portion of the kitchen suitably, separated from the remainder thereof and used exclusively for the cleaning and preparation of vegetables; and
- (e) a wash hand basin with a constant supply of piped hot and cold water connected thereto or there over, together with soap and a nail-brush and a clean towel or other device for the drying of hands shall be provided in or adjacent to the kitchen for use by persons engaged in the preparation or cooking of food.

298. (1) A scullery separated from the kitchen shall be provided in which shall be situated all sinks intended for use in the cleaning of utensils and equipment and bin which all such cleaning shall be carried out.

Sculleries in
restaurants

(2) The floor shall be of and approved impervious material and shall be adequately drained.

(3) The walls shall be tiled or finished in terrazzo to a height of six feet from the floor and above that height shall be tiled, finished in terrazzo or rendered in cement plaster brought to a smooth finish and painted with a light coloured washable paint.

(4) Approved type of apparatus shall be provided for the sterilization of crockery and cutlery.

(5) Approved equipment with a constant supply of

piped hot and cold water connected thereto or there over shall be provided for the cleaning of all utensils and equipment other than crockery and cutlery.

299. In relation to sanitary conveniences—

Sanitary
conveniences in
restaurants

- (a) sufficient sanitary conveniences and wash hand basins shall be provided;
- (b) sanitary conveniences for use by customers shall be approached from within the premises through an intervening ventilated space and separate provisions shall be made for persons of each sex;
- (c) wash hand basins with a piped supply of water connected thereto or there over, together with soap and a clean towel or other device for the drying of hands shall be provided for use by customers; and
- (d) sanitary conveniences shall be provided for people living with disabilities.

300. A sufficient number of refuse receptacles with properly fitting lids shall be provided all the time.

Waste management
in restaurants

301. Miscellaneous requirements for restaurants shall be as follows—

Miscellaneous
requirements for
restaurants

- (a) adequate refrigerated storage space shall be provided and maintained for the storage of food;
- (b) a changing room shall be provided where employees shall remove and store outdoor clothing and there shall be provided, in connection with such room, shower facilities and wash-hand basins with a constant supply of piped hot and cold water connected thereto or there over together with soap, a nail-brush and a clean towel or other device for the drying of hands;
- (c) access shall be provided to a yard of a size which in the opinion of the Public Health Officer is sufficient for the servicing of the

premises;

- (d) at least one room of adequate size shall be provided for the sole purpose of storing food and such room shall be adequately lit, ventilated and rendered rodent proof;
 - (i) dust proof ceilings shall be provided in all rooms where food is prepared or stored; and
 - (ii) a constant supply of pure and wholesome water shall be provided.
- (e) Emergency exits from the premises shall be provided and maintained.
- (f) The permit holder operating the restaurant shall provide adequate and appropriate firefighting facilities, located strategically.

302. (1) Subject to the provisions of sub-section (2) below, an eating house permit shall authorize the permit holder at premises, the address of which shall be specified therein, to prepare or cook for sale and sell food for consumption.

Eating houses

(2) An eating house shall comply with the following requirements under this Part—

- (a) dining space - the area available for dining space shall be adequate; and
- (b) yard space - a yard space of an approved size the use of which is exclusive to the premises, shall be provided.

(3) In relation to kitchens—

- (a) a kitchen shall be provided which shall be separate from the dining room and be of an area of not less than 10 square feet;
- (b) the floor shall be of an approved impervious material and shall be adequately drained;
- (c) cooking shall be done with electricity, gas, coal, anthracite, oil burning or charcoal-burning equipment of an approved type;

- (d) an approved means of extracting smoke and fumes shall be provided,
 - (e) the walls shall be finished in smooth cement plaster or other approved material and painted with a light coloured fire resistant washable paint;
 - (f) at least two suitable sinks of stainless steel with a constant supply of piped hot and cold water connected thereto or there over shall be provided in approved positions, one of which shall be used solely for the cleaning and preparation of vegetables; and
 - (g) a wash basin with a constant supply of hot and cold water connection thereto or there over, together with soap, a nail brush and a clean towel or other device for the drying of hands shall be provided in or adjacent to the kitchen for use by persons engaged in the preparation or cooking of food.
- (4) In relation to sculleries—
- (a) a scullery, separated from the kitchen shall be provided in which shall be situated all sinks intended for use in the cleansing of utensils and equipment; and
 - (b) the floor shall be of an approved impervious material and shall be adequately drained.
- (5) In relation to sanitary conveniences—
- (a) sufficient sanitary conveniences shall be provided to satisfy the provisions of this Part;
 - (b) sanitary conveniences shall be provided and separate provisions shall be made for persons of each sex and, where approached from within the premises, such conveniences shall be entered through an intervening ventilated space;
 - (c) wash hand basins with a piped supply of water connected thereto or there over, together with soap and a clean towel or other device for the

drying of hands, shall be provided for use by customers; and

- (d) sanitary conveniences shall be provided for people living with disabilities.

303. A sufficient number of refuse receptacles with properly fitting lids shall be provided.

Waste management
in eating houses

304. Miscellaneous requirements are as follows—

Miscellaneous
requirements for
eating houses

- (a) at least one room of adequate size shall be provided for the sole purpose of storing food and such room shall be adequately lit, ventilated and rendered rodent proof;
- (b) adequate storage space for employees outdoor clothing shall be provided,
- (c) adequate refrigerated storage space for food shall be provided and maintained;
- (d) dustproof ceilings shall be provided in all rooms where food is prepared or stored;
- (e) a constant supply of pure and wholesome water shall be provided;
- (f) the permit holder operating the eating house shall provide adequate and appropriate firefighting facilities, located strategically; and
- (g) emergency exits from the premises shall be provided and maintained.

305. (1) A snack bar permit shall authorize permit holder at the premises, the address whereof which shall be specified therein, to prepare for sale and sell for consumption in the premises the following—

Snack bar permit

- (a) hot or cold drinks;
- (b) boiled or poached eggs;
- (c) tinned foodstuff prepared for consumption solely by the immersion of the tin in hot water;
- (d) cold pies and cooked meats including a dish

known as hot dog;

- (e) bread including toast;
- (f) biscuits, cakes and pastries; and
- (g) any other food which is consumed uncooked.

(2) A holder of a snack bar permit who sells or permits the sale of food of a type other than those specified in sub-section (1) above for consumption on the permitted premises shall be guilty of an offence under this Part.

306. A snack bar shall comply with following requirements of this Part—

Requirements for snack bars

(1) The floor shall be of an approved impervious material and shall be adequately drained.

(2) in relation to sanitary conveniences,

- (a) sanitary conveniences and wash basins with a piped supply of hot and cold water connected thereto or there over together with soap, a nail-brush and a clean towel or other device for the drying of hands shall be provided for use by persons employed on the premises;
- (b) sanitary conveniences separate from those required by the provisions of sub-section (2) (a) shall be made available for use by customers and separate provisions shall be made for persons of each sex and, where approached from within the premises, such conveniences shall be entered through an intervening ventilated space; and
- (c) sanitary conveniences shall be provided for people living with disabilities.

307. A sufficient number of refuse receptacles with properly fitting lids shall be provided.

Waste management for snack bars

308. Miscellaneous requirements—

Miscellaneous requirement for snack bars.

- (a) at least two suitable sinks of stainless steel supplied with hot and cold water shall be provided, sited in approved positions;
- (b) no heating apparatus other than one using

- electricity or gas shall be used in the preparation of food;
- (c) adequate storage space for employees' outdoor clothing shall be provided;
 - (d) the walls shall be finished in smooth cement plaster or other approved material and shall be painted with a light coloured fire resistant washable paint;
 - (e) adequate refrigerated storage space shall be provided and maintained for storage of food;
 - (f) approved storage space for foodstuffs, suitably lit, ventilated and rendered rodent proof shall be provided;
 - (g) access shall be provided to a yard of a size which in the opinion of the Public Health Officer is sufficient for the servicing of the premises;
 - (h) dustproof ceiling shall be provided in all rooms where food is prepared or stored;
 - (i) a constant supply of pure and wholesome water shall be provided;
 - (j) emergency exits from the premises shall be provided and maintained; and
 - (k) The permit holder operating the snack bar shall provide adequate and appropriate firefighting facilities, located strategically.

309. Every open air eating place shall operate under the following requirements—

Open air eating place.

- (a) structure should be an approved design by the County Government;
- (b) structure should contain adequate sanitary facilities;
- (c) persons carrying/handling the food must have valid medical examination certificate issued by Public Health Officer;
- (d) adequate receptacles for disposal of litter

should be provided;

- (e) it is the responsibility of the person operating the open air eating place to dispose the solid and liquid waste generated; and
- (f) the person operating the open air-eating place shall provide adequate firefighting facilities, located strategically.

310. Any person who, in any premises in the County, prepares or cooks or permits the preparation or cooking of food for sale or sell for consumption on those premises unless he is the holder of a permit in respect of those premises shall be guilty of an offence.

Cooking without permit

311. Any person who in any premises in the County sells or permits the sale of food for consumption on those premises shall unless he is the holder of a permit in respect of those premises authorizing such sale, or an employee of such a permit holder, be guilty of an offence under this Part.

Sale of food for consumption

312. Any act done or omitted to be done by an employee of a permit holder in contravention of any of the provisions of this Part shall be deemed also to be the act or omission of the permit holder and any proceedings for an offence arising out of such act or omission may be taken against both such permit holder and such employee.

Liability of a permit holder

313. (1) The Medical Officer of Health, any Public Officer of Health, an Authorized Officer or any person authorized in writing by the Medical Officer of Health in that behalf may at any reasonable hour enter any premises in respect of which a permit has been applied for or issued and may make such inspection thereof as he may deem necessary.

Power to inspect.

(2) Any such person as is referred to in sub-section (1) shall—

- (a) if he has reasonable cause to believe that food is being consumed on any premises after having been purchased thereon, demand that the person in charge or appearing to be in charge of such premises shall allow him free entry thereon and afford him all reasonable

facilities to inspect the premises; and

- (b) if after notification of his or her authority and purpose, entry thereon and afford him all reasonable facilities and purpose, entry cannot be obtained, the said person may enter such premises and make such inspection thereof as he may deem necessary.

314. (1) Any person who works in a restaurant, eating houses, snack bar and knows that he or she is suffering from an infectious or contagious disease shall be guilty of an offence.

Persons suffering from infections or contagious diseases

(2) Any permit holder who employs in a restaurant, eating house or snack bar any person without a valid medical examination certificate, shall be guilty of an offence under this Part.

315. Any permit holder who fails, without reasonable cause, to exhibit his or her permit in a prominent and conspicuous position in the permitted premises shall be guilty of an offence under this Part.

Display of permits

316. (1) A permit holder shall take all such steps as may be reasonably necessary to protect food from risk of contamination and in particular, without prejudice to the generality of the foregoing, shall—

Food Contamination

- (a) not place food or permit it to be so placed as to involve any risk of contamination;
- (b) maintain the permitted premises in a clean and wholesome condition;
- (c) not use or permit to be used as a living or sleeping room any room which communicates directly to a room used for the preparation, cooking, storage or consumption of food;
- (d) maintain all utensils, crockery, cutlery, linen and other articles of whatsoever description used on the permitted premises for or in connection with the preparation, cooking, serving or consumption of food, in a clean and sound condition,
- (e) keep all food, other than that in the house of

preparation, cooking, serving or consumption, in a store or refrigerator reserved solely for the keeping of such foods,

- (f) keep in the kitchen only such articles and equipment as are required for or used in the preparation, cooking, serving or consumption of food, and
- (g) Comply with all the requirements of the Public Health Officer intended or designed to ensure the sanity and hygienic use of the permitted premises.

(2) A permit holder shall not sell nor have in his or her possession for sale in the permitted premises any food which is not fit for human consumption and wholesome.

317. (1) A person engaged in the handling of food or any utensils used in connection with the preparation, cooking, serving or consumption of food, shall, whilst so engaged—

Personal hygiene.

- (a) keep as clean as may be reasonably practicable all parts of his or her person which may be liable to come into contact with such food or utensils;
- (b) wear a clean garment and head covering of an approved pattern which, in the case of a person engaged in the preparation or cooking of food, shall be white;
- (c) keep any cut or abrasion on any exposed part of his or her person covered with a suitable and clean waterproof dressing;
- (d) refrain from spitting; and
- (e) refrain from smoking.

(2) No permit holder shall permit any person to be engaged in the handling of food or any utensil in connection with the preparation, cooking, serving or consumption of food, whilst such person does not comply with any of the requirements of sub-section (1).

(3) Any person who contravenes or fails to comply

with any of the provision of sub-sections (1) and (2) shall be guilty of an offence.

318. (1) Any person who uses or permits to be used any sink provided under the provisions of this part for the purpose of the cleaning and preparation of vegetables, for any other purpose, shall be guilty of an offence under this Part.

Misuse of sinks and kitchen

(2) Any person who uses or permits to be used any sterilizing apparatus, provided this part for the purpose of sterilization of crockery and cutlery, for any other purpose, shall be guilty of an offence under this Part.

(3) Any person who uses or permits to be used any sink, provided under the provision of this part for any purpose except the cleaning of utensils and equipment's other than cutlery and crockery shall be guilty of an offence under this Part.

(4) Any person who uses or permits to be used any part of the premises, for cooking or preparation of food other than the kitchen and preparation room or scullery shall be guilty of an offence under this Part.

319. (1) Any holder of an eating house permit who includes in the name of the permitted premises the word "restaurant" or by any words, letters, or sign implying that a restaurant permit is in force in respect of such premises shall be guilty of an offence under this Part.

Restriction on names

(2) Any holder of a snack bar permit who includes in the name of the permitted premises either the words eating house or by any words, letters or sign implies that a eating house permit is in force in respect of such premises, shall be guilty of an offence under this Part.

320. Any permit holder who, without the written permission of the Authorized Officer, uses or permits to be used the permitted premises or any part thereof for a trade other than one connected with that of a restaurant, eating house or snack bar, as the case may be, shall be guilty of an offence under this Part.

Restriction on trading

321. Any permit holder who uses or permits to be used any permitted premises in such a manner that they are or are likely to become a nuisance or annoyance to

Nuisance.

inhabitants of neighbouring properties or persons using any street, shall be guilty of an offence under this Part.

322. Any permit holder, who permits any disorderly or indecent behaviour on the permitted premises, shall be guilty of an offence under this Part.

Disorderly, indecent behaviour

323. Where charcoal, coal, anthracite or fuel oil is used on the permitted premises shall be stored in an approved manner and a permit holder who permits such charcoal, anthracite, coal, or fuel oil to be stored elsewhere on the permitted premises shall be guilty of an offence under this Part.

Storage of fuel

324. (1) The holder of an eating house permit or a snack bar permit shall affix and maintain in the permitted premises in a position clearly visible to customers a tariff of charges legibly printed in the English or Kiswahili languages.

Tariff of charges

(2) Any person who demands from a customer a charge for food greater than that indicated on the tariff of charges referred to in sub-section (1) of this Section shall be guilty of an offence against this Part.

325. Any person who fails to comply with the provisions of this Part shall be guilty of an offence.

Offences

326. A person who is guilty of an offence under this Part shall be liable to a fine not exceeding seven thousand shillings or to imprisonment of a term not exceeding seven months or both.

Penalties

PART XXI—FOOD SHOPS AND STORES

327. This Part shall not apply to—

Exemptions.

- (a) dairies registered under the public health (Milk and Dairies) Regulations in which no trade is carried on in any food other than milk or cream;
- (b) save as otherwise provided, premises permitted to trade as bakeries and lodging houses;
- (c) the sale by auction by an auctioneer, permitted under the Auctioneers Act; and
- (d) premises registered under the Pharmacy and

Poisons Act.

328. (1) The permits which shall be granted under this Part upon payment of fees as per the approved fees and charges are— Permits

- (a) grocer's permit;
- (b) butcher's Permit;
- (c) fishmonger's permit;
- (d) greengrocer's permit;
- (e) food Store permits;
- (f) supermarket; and
- (g) milk permit.

(2) Every permit shall become due to be taken out on 1st January in each year and shall expire on 31st December of the year of current issue.

329. (1) Application for permit shall be made in the form specified in the Fifth Schedule hereto and it shall be stated therein whether the application is for a new permit or for the renewal of an existing permit. Application for permit

(2) If the application is for the renewal of an existing permit, it shall be delivered to the Authorized Officer on or before 30th September of the year preceding that to which the application relates:

Provided that upon payment by the applicant of a late application the approved fee as per fees and charges, the Authorized Officer shall accept an application submitted after 30th September of the year preceding that to which the application relates.

(3) If the application is for a new permit, it shall be delivered to the authorized Officer not less than 30 days before the date, which shall be specified in the application, upon which it is desired that trading or storing shall begin.

(4) Application forms shall be completed in English language and shall be signed by the applicant and the Authorized Officer may refuse to accept any application which does not comply with these requirements.

330. (1) The Authorized Officer shall, subject to the provisions of this part issue a permit which shall be in the form prescribed in the Fifth schedule and may attach thereto such reasonable conditions as he or she may think fit.

Form of permit.

(2) Every permit shall contain sufficient particulars of the shop, or as the case may be, the store to which the permit applies.

(3) There shall be paid to the County Government fees as per approved fees and charges for every permit issued.

(4) Every permit shall be under the hand of the Authorized Officer of the County Government.

331. (1) The Authorized Officer shall refuse to issue a new permit if—

Refusal to grant permit

(a) the premises to which the application relates are, in the opinion of the Public Health Officer, not in good repair or not provided with adequate sanitary arrangements, or not provided with adequate stock room facilities or do not conform with requirements of the Public Health Officer, or do not conform with the provisions of this Part;

(b) the articles, apparatus, fittings or utensils provided, or to be provided, for use in connection with trade do not conform with the requirements of the; or

(c) the shop, or as the case may be, the store does not comply with the provisions of this Part.

(2) The Authorized Officer may refuse to renew a permit if—

(a) the business to which the application relates is or has been, in his or her opinion, conducted in an improper manner;

(b) the premises to which the application relates are, in the opinion of the Public Health Officer, not in good repair or not provided with adequate sanitary arrangements, or do not conform with the provisions of this Act, or

have been altered materially so as to affect prejudicially the facilities originally provided; or

- (c) if the articles, apparatus, fittings or utensils originally provided or if the articles, apparatus, fittings or utensils provided for use in connection with trade do not conform to the requirements of the Public Health Officer.

332. (1) The Authorized Officer may by written notice to the permit holder, cancel any permit if it is recommended by Public Health Officer, that the premises to which the permit applies or any part thereof, or any article, piece of apparatus, fitting or utensils or any person working therein are in such condition as to be dangerous to health or liable to favour the spread of diseases.

Cancellation of permit.

(2) Where a permit has been cancelled under the provisions of sub-section (1) above the Authorized Officer shall not issue or transfer to the holder of the cancelled permit any further permits nor issue any further permit in respect of the same premises without first the applicant obtaining the approval in writing of the Public Health Officer.

333. (1) The Authorized Officer may, with the consent of the permit holder and subject to the provisions of this part upon payment of a fee transfer permit from the holder thereof to another person.

Transfer of permit.

(2) A permit may be transferred so as to be made applicable to premises other than those in respect of which the original application was made and the permit issued.

Provided the new premises meet the basic requirements of a premises.

334. (1) A permit issued to a body corporate shall be in the name of the body corporate and be issued to the Chief Executive Officer thereof.

Transfer to a body corporate

(2) No transfer of a permit issued to a body corporate shall be necessary on any change in the holder of the office of Chief Executive Officer.

335. (1) An application for the duplicate permit shall

Duplicate permit

be made in writing to the Authorized Officer and shall set forth details of the permit lost and the manner in which it was lost or destroyed.

(2) The Authorized Officer shall, upon payment by the applicant of the prescribed fee issue a duplicate permit.

336. (1) In the event of the death, bankruptcy or unsoundness of mind of a Permit holder, it shall be lawful, for the purposes of this Part for the widow/widower, executor, administrator, trustee or manager or any other person approved by the Authorized Officer, to carry on until the end of the current year, the business of the permit without any transfer or grant of a permit.

Death, insanity,
bankruptcy

(2) Every person permitted to carry on a business under the provisions of sub-section (1) above shall possess all the rights and be liable to all the duties and obligations of the original permit holder.

337. (1) Any person who is suffering from or knows himself or herself to be carrier of any infectious or contagious or venereal disease shall not work in any shop or store.

Restriction on
employment

(2) A permit holder shall not employ in any shop or store any person whom he knows to be suffering from or to be carrier of any infectious, contagious or venereal disease;

(3) Any person working in a food shop/store must have a valid medical examination certificate issued.

338. In any shop or store where goods other than food are sold, stored or offered for sale, or as the case maybe, the permit holder shall reserve a part of such shop or store in which nothing shall be kept or stored other than food, and no food shall be kept or stored in any other part thereof.

Manner of storing
food

339. A permit holder shall exhibit his or her permit in a prominent and conspicuous place in premises to which it applies alongside the certificate of incorporation or registration certificate.

Display of permit.

340. A permit holder shall take all such steps as may be reasonably necessary to protect food from risk of contamination and in particular, without prejudice to the

Protection of food

generality of the foregoing, shall—

- (a) not so place food or permit it to be so placed as to involve any risk of contamination;
- (b) not place uncovered food at height of less than eighteen inches from the floor;
- (c) maintain his or her shop or store in a clean and wholesome condition;
- (d) comply with all the requirements of the Public health Officer intended or designed to ensure the sanitary and hygienic use of his or her shop or store;
- (e) provide and maintain a sufficient supply of hot and cold water;
- (f) maintain in a clean condition apparatus or utensils in the shop or store which is likely to come into contact with uncovered food; and
- (g) maintain in a clean condition any apparatus or utensil in the shop or store which is likely to come into contact with uncovered food.

341. (1) A permit holder shall provide in a conveniently accessible position and maintain a sufficient number of wash-basins for the use of in the handling of food.

Wash basins
position and persons
engaged

(2) For each such wash-basin, a permit holder shall provide and maintain a sufficient supply of hot and cold water,

(3) At or near each such washbasin, a permit holder shall provide adequate supplies of soap or other suitable detergent, nail brush and a clean towel or other suitable drying facilities.

342. (1)A permit holder shall provide, in a conveniently accessible position and shall maintain in a good condition an adequate number of suitable sanitary conveniences.

Sanitary
convenience.

(2) A permit holder shall not use or permit to be used for handling or storage of food any room which either—

- (a) contains sanitary convenience; or
- (b) communicates otherwise than through an intervening ventilated space with a room containing a sanitary convenience.

343. Any person engaged in the handling of food shall while so engaged—

Manner of handling of food.

- (a) keep as clean as may be reasonably practicable all parts of his or her clothing which may be liable to come into contact with food;
- (b) keep any open cut or abrasion on any exposed part of his or her person covered with a suitable and clean water proof dressing;
- (c) refrain from spitting; and
- (d) refrain from smoking.

344. (1) Any person engaged in the handling of food shall not use for the wrapping of open food any paper or wrapping material or container which is not clean or which is liable to contaminate the food and in particular, shall not allow any printed material other than printed material designed exclusively for wrapping or containing food to come into contact with any open food.

Open food

(2) Any person engaged in the handling of food shall not handle any unwrapped sweets, cakes, pastries or sliced cooked meat except with a suitable apparatus or instrument.

345. Subject to any limitation which may be placed there on by a condition attached thereto pursuant to the provisions this part a grocer's permit may authorize the permit holder, at premises the address of which shall be specified therein, to trade in food.

Grocer's permit.

Provided that for the purpose of this Part, "food" shall not include unprocessed vegetables, processed fruit, processed meat or processed fish.

346. A grocer's shop shall comply with the following requirements and subject to the provisions of this part no grocer's permit shall be issued in respect of a shop which does not so comply, that is to say—

Grocer's shop.

- (a) the floor is of rendered concrete or other

durable and impervious material and is suitably drained; and

- (b) adequate yard space is provided, equipped with suitable refuse containers.

347. Subject to any limitation which may be placed there on by a condition attached thereto pursuant to the provisions of this Act a butcher's permit shall authorize the permit holder at premises the address of which shall be specified therein, to trade in meat, whether processed or unprocessed.

Butcher's permit.

348. A butcher's shop shall comply with the following butcher's requirements and, subject to the provisions of this part, no butcher's permit shall be issued in respect of a shop which does not so comply, that is to say—

Butcher's shop.

- (a) the unencumbered floor area of that part of the shop which is to be used for the sale of meat is adequate;
- (b) the height from the floor to ceiling of that part of the shop which is to be used for the sale of meat is not less than 10 feet;
- (c) all walls are constructed of brick, stone, concrete or other durable material with the interior surface rendered smooth and either tiled or painted with a light coloured fire resistant washable paint;
- (d) the floor is of rendered concrete or other durable and impervious material and is suitably drained;
- (e) the shop front is glazed;
- (f) adequate cold storage space is provided;
- (g) suitable and adequate provision that no meat shall come into contact with any wall or be liable to obstruct or hinder the free passage of customers; and
- (h) adequate yard space is provided, equipped with suitable refuse containers.

349. (1) A permit holder shall not trade in meat which has not been inspected by a meat inspector or an officer

Uninspected meat

authorized in that behalf and approved as being fit for human consumption.

(2) Any person who contravenes this shall be guilty of an offence.

350. (1) A person engaged in the handling of meat shall while so engaged, wear a white outer garment of a pattern approved by the Public Health Officer.

Manner of handling of meat

(2) Any person who handles meat when not clothed in accordance with the provisions of sub-section (1) and any permit holder who permits any person to handle meat when not so clothed shall be guilty of an offence.

351. Subject to any limitation which may be placed there on by a condition attached thereto pursuant to the provisions of this part a fishmonger's permit shall authorize the permit holder at premises the address whereof which shall be specified therein, to trade in fish whether processed or unprocessed.

Fishmonger's permit

352. A fishmonger's shop shall comply with the following requirements and subject to the provisions of this part, no fishmonger's permit shall be issued in respect of a shop which does not so comply, that is to say—

Fishmonger's shop.

- (a) all walls are constructed of brick, stone or concrete or a durable material with the interior surfaces rendered smooth and either tiled or painted with a light coloured fire resistant washable paint;
- (b) the floor is of rendered concrete or other durable impervious material and is suitably drained;
- (c) the shop front is glazed;
- (d) adequate cold storage is provided; and
- (e) adequate yard space is provided adjacent thereto with suitable facilities for the cleaning of fish boxes.

353. Fish boxes shall be thoroughly cleansed immediately after use.

Fish boxes

354. A person engaged in the handling of fish shall, while so engaged wear a white outer garment of a pattern approved by the Public Health Officer.

Manner of handling fish

355. Subject to any limitation which may be placed there on by a condition attached thereto pursuant to the provisions of this part a greengrocer's permit shall authorize the permit holder, at premises the address whereof which shall be specified therein, to trade in fruit and vegetables, whether processed or unprocessed.

Green grocer's permit

356. A green grocer's shop shall comply with the following requirements and subject to the provisions of this part, no greengrocer's permit shall be issued in respect of a shop which do not so comply, that is to say—

Green grocer's shop

- (a) all walls are constructed of brick, stone or concrete or other durable materials with the interior surfaces rendered smooth and either tiled or painted with a light coloured fire resistant washable paint;
- (b) the floor is of rendered or other durable and impervious material and is suitably drained; and
- (c) adequate yard space is provided equipped with suitable refuse containers.

357. Subject to any limitation which may be placed there on by a condition attached thereto pursuant to the provisions of this Act a food store permit shall authorize the permit holder, at premises the address whereof which shall be specified therein, to store food.

Food store permit

358. A person shall not within the County trade in or as the case maybe, store food unless he is in possession of the appropriate permit issued under this Part, nor otherwise than in accordance with the terms of the permit.

Trading without a permit

359. (1) Any Public health officer or any person authorized in that behalf or an Authorized Officer may at any reasonable hour enter any shop or store in respect of which a permit under this Part has been applied for or issued and may conduct an inspection as may be deemed necessary.

Inspection

(2) Any such person as is referred to in sub-section (1) above may—

- (a) if he/she has reasonable cause to believe that

trade is being carried on or that food is being stored in any premises in respect of which a permit has not been issued or applied for under this Part, demand that the person in charge or appearing to be in charge of such premises allow him free entry thereon and afford him all reasonable facilities to inspect the same; and

- (a) if after notification of his or her authority and purpose of entry, cannot without reasonable delay be obtained, the said person may enter such premises and may make such inspection thereof and of the stock therein as may be deemed necessary.

360. In any proceedings under this Part, any food in any shop or store shall be deemed unless the contrary is proved, to be kept for the purpose of trade or as the case may be before storage.

Presumption of goods.

361. (1) The Authorized Officer, on the recommendation of the Public Health Officer, may issue to any person a certificate in relation to any shop or store to the effect that compliance with any of the provisions of this Part specified in this Section is not required for such period as he shall therein specify;

Exemptions by a Public Health Officer

Provided that the Public Health Officer shall not recommend the grant of any such certificate unless he is satisfied that by reason of restricted accommodation or other special circumstances affecting such shop or store it is reasonable that such a certificate should be in force in respect thereof.

(2) The Authorized Officer may withdraw any such certificate if at any time the Public Health Officer ceases to be satisfied as aforesaid and recommends to him.

362. Any person who acts in contravention of or fails to comply with any of the provisions of this Part shall be guilty of an offence.

Offences.

363. (1) Any person who is guilty of an offence under this Part shall be liable to a fine not exceeding seven thousand shillings or imprisonment for a term not exceeding seven months or both.

Penalties

(2) Any permit holder who, is twice convicted of offences against this Part shall be liable, in addition to any other penalty which may be imposed to have his or her permit cancelled by the court and such court may—

- (a) order that the permit be cancelled on such a date as, in the opinion of the court will enable the permit holder to dispose of his or her stock; and
- (b) debar such permit holder from obtaining another permit for such period not exceeding one year or, as the court may deem fit.

PART XXII—CONTROL OF HAMALI CARTS AND HAND CARTS IN PUBLIC STREETS

364. A person who intends to operate a hamali cart or hand cart within the County shall pay to the County Government the prescribed fees in the approved fees and charges.

Fees

365. If the County Government is satisfied that it is expedient for facilitating the passage of traffic it may from time to time designate any public street in the County prohibiting the use of the street by Hamali carts or hand carts either generally or subject to exceptions specified in the order and either at all times or at times, or days or during periods so specified.

Control of Hamali and hand carts.

366. Any person authorized by the County Government to propel a Hamali or hand cart shall observe all the traffic rules and the provisions of this Act.

Traffic rules.

367. Every such order shall be published in the Gazette and a Person who uses a Hamali cart or hand cart or causes or permits a Hamali cart or hand cart to be used in contravention of a prohibition imposed by an order made by the County Government or fails to comply with the provisions of this Part, shall be guilty of an offence under this Part and shall be liable to a fine not exceeding Five Thousand Shillings or imprisonment for a term not exceeding seven months or both.

Offences and Penalties

PART XXIII—CONTROL OF GRAZING

368. (1) A person shall not graze any livestock within

Grazing within the County

the County unless he is the holder of a permit in writing, issued by the Authorized Officer.

(2) The Authorized Officer may issue a permit or refuse such permit subject to such conditions as he may deem necessary.

369. A permit issued under this Act may be revoked by the Authorized Officer by notice in writing given to the holder thereof if—

Permit

- (a) in opinion of the County such revocation is necessary or desirable in the interest of grazing land available; or
- (b) the holder or his or her agent or employee is convicted of an offence under this Part.

370. (1) An Authorized Officer of the County Government may require a person found grazing livestock within the County to produce the permit for inspection.

Production of permit

(2) An officer of the County Government exercising the powers conferred by sub-section (1), shall produce his or her written authority if required to do so.

371. The fees set out in the approved fees and charges shall be payable to the County Government on the issue of a permit.

Payment of fees and charges for permit

372. Any person who contravenes or fails to comply with the provisions of this Part shall be guilty of an offence under this Part.

Offences

373. Any person who is guilty of an offence under this Part shall be liable to a fine not exceeding five thousand shillings in respect of a first offence and not exceeding seven thousand shillings in respect of a second or subsequent offence, or imprisonment for a period not exceeding seven months in respect of a first offence and not exceeding nine months in respect of a second or subsequent offence or both.

Penalties

PART XXIV—SALE OF ICE-CREAM

374. A person shall not within the County sell or offer for the sale or cause to be sold or offered for sale ice-cream which does not meet the following requirements as to

Sale of ice cream

processing and content—

- (a) the ice-cream shall have been manufactured in accordance with the provisions of regulation relating to the manufacture of ice cream;
- (b) the ice-cream shall be protected from dirt, dust or other contamination at all times during its storage, distribution and sale;
- (c) the ice-cream shall either—
 - (i) kept at a temperature not exceeding 28° F;
 - (ii) in the event of the temperature of the ice-cream rising above 28° F at any time since it was frozen then the ice-cream has to again be subjected to the treatment prescribed in sub-section (d) and, (e) below of this Section and after having again been frozen shall be kept at a temperature not exceeding 28° F; or
 - (iii) the ice-cream shall be of such quality that it shall fail to decolorize Ethylene Blue at two hours when subjected to the following test, namely—

2 ml. of the ice-cream shall be of such quality that it shall fail to decolorize Ethylene Blue solution and 7 ml. of quarter strength Ringer Solution in a standard reductive tube. The tube shall then be incubated at 20° Centigrade ($\pm \frac{1}{2}^{\circ}$) for seventeen hours followed immediately by incubation at 37° Centigrade ($\pm \frac{1}{2}^{\circ}$). The tube shall then be inverted once every half hour until decolourisation is complete,
- (d) every such test shall be commenced within two hours after the collection of the sample; and
- (e) every test shall be carried out by either the government Bacteriologist, the Medical Officer of Health or such other duly qualified person as may be authorized in writing so to do by the County Government.

375. A person shall not use any premises for the distribution or for the sale of ice-cream unless he shall be in lawful possession of a permit issued by the County Government entitling him to use the premises for such purpose.

Sale without permit

376. A fee as per approved fees and charges shall be paid to the County Government for every permit issued under this Part.

Fees.

377. Any person desiring to obtain a permit shall submit to the Authorized Officer a written application in the form set out in the schedule hereto.

Form of application

378. Every permit shall expire on the 31st day of December following its issue.

Duration of permit.

379. A permit shall not be transferred from the holder thereof to any other person without the permission of the Authorized Officer. No permit in any case can be transferred from the premises in respect of which it is granted to any other premises.

Transfer of permit.

380. (1) An Authorized Officer or a Public Health Officer may at any reasonable time enter upon and inspect any permitted premises and for the purpose of such inspection, the Authorized Officer or the Public Health officer may examine the water supply and any vessels or utensils which may be found on the premises and take samples of any ice-cream found upon the premises and may make such further inquiry that seems necessary to him.

Inspection.

(2) Any person who wilfully hinders obstructs, resists or refuses to give information or gives false or misleading information to the Authorized Officer or Public Health Officer in the course of such inspection shall be guilty of an offence under this Part.

381. Every permit holder shall—

Cleanliness.

- (a) at all times maintain the permitted premises in a state of thorough cleanliness; and
- (b) cause all vessels and utensils brought in contact with ice-cream during the storage, distribution or sale to be thoroughly cleaned and sterilized immediately after use.

382. (1) No permit holder shall cause or permit any person (whether himself or herself or any other) suffering from any infectious or contagious or venereal disease to be employed in or about the permitted premises or in distributing or selling ice-cream.

Restriction on
employment

(2) Every permit holder shall inform the Public Health Officer or Authorized Officer without delay of the occurrence of any infectious or venereal disease in such premises and shall comply with any direction which the Public Health Officer or Authorized Officer may give for the purpose of such diseases.

(3) The permit holder shall not employ any person without a valid medical examination certificate.

383. (1) The Medical Officer of Health or Chief Officer in the Department Health may medically examine or cause to be medically examined at any convenient place any person resident on or employed or engaged in or about any permitted premises for the purpose of ascertaining whether such person is suffering from any infectious or contagious or venereal disease.

Medical
examination

(2) Any person who refuses to be examined by such Medical Officer of Health shall be guilty of an offence under this Part.

384. The breach of the provisions of this Part by any person employed upon the permitted premises while on duty shall be a breach by the permit holder of such premises.

Breach

385. Every permit holder shall at all reasonable time produce his or her permit when so required by the Medical Officer of Health, Authorized Officer or Public Health Officer.

Production of
permit

386. Any person who fails to comply with the provisions of this Part shall be guilty of an offence.

Offences

387. Any person who is guilty of an offence under this Part shall be liable to a fine not exceeding seven thousand shillings in respect of a first offence and not exceeding ten thousand shillings in respect of a second or subsequent offence, or imprisonment for a period not exceeding seven months in respect of a first offence and not exceeding twelve months in respect of a second or subsequent, offence or both.

Penalties

**PART XXV—CONTROL AND LICENSING OF
DOGS**

388. (1) An Authorized Officer may issue to any applicant a permit and a permit badge in respect of any dog(s) kept in urban and peri-urban areas within the County upon—

Issuance of permit
and permit badge

- (a) payment of the appropriate fee specified in the approved fees and charges; and
- (b) production to the Authorized Officer of a valid certificate issued by a veterinary surgeon or a veterinary officer to the effect that the dog in respect of which the dog permits and permit badge are required has been inoculated against rabies.

(2) Notwithstanding the provisions of sub-section (1) (a) above, no dog permit fee shall be payable on issue of any permit or permit badge in respect of—

- (a) any dog kept by a blind person or used for the purpose of guiding a blind person; or
- (b) any dog which the County Government in its discretion declare to be except exempted from the provisions of this sub-section(1).

389. A permit issued under this Part shall expire on the 31st December in the year in respect of which it is issued.

Expiry of a permit.

390. (1) An authorized Officer may refuse to issue a permit or permit badge or may by notice in writing addressed to the holder thereof, cancel any permit or permit badge already issued if it appears to the Authorised Officer that the person who keeps or proposes to keep the dog which the permit relates to is an undesirable or unsuitable person to keep the dog..

Refusal to issue
permit or permit
badge.

(2) Any person aggrieved by a decision of an Authorized officer under sub-section(1) above may, within thirty days of such decision, appeal in writing to the County Executive Committee Member in charge of matters relating to finance whose decision shall be final.

391. A duplicate permit or permit badge may be issued upon proof that the original permit or permit badge has been lost or destroyed upon payment of the prescribed fees as per the approved fees and charges.

Issuance of
duplicate permit or
permit badge

392. (1) Any person who keeps a dog over the age of six months for a period exceeding thirty one days in the urban and peri-urban areas of the County, shall unless a license permit has been issued in respect of the dog and the permit is valid shall be guilty of an offence.

Offences.

(2) Any person who shall—

- (a) allow a dog in respect of which a permit badge has been issued to be at large unless the permit badge is permanently attached to a collar worn by the dog;
- (b) without reasonable or just cause remove a permit badge from the dog in respect of which it was issued; or
- (c) without reasonable or just cause remove a collar from any dog shall be guilty of an offence.

(3) Any person who—

- (a) attaches to a collar worn by a dog any badge so similar to a permit badge issued under this Act with the intention to mislead; or
- (b) alters, destroys or mutilates any permit badge issued under this Act shall be guilty of an offence.

(4) Any person who—

- (a) permits to be let at large or uncontrolled any dog which is kept by him and which he knows to be either vicious, dangerous or suffering from any infectious diseases;
- (b) permits a dog to be at large or uncontrolled; or
- (c) keeps a dog which he knows to be nuisance or annoyance to any person; shall be guilty of an offence.

393. A police officer, veterinary officer or inspector Authorized Officer may seize and take to a pound—

Right to seize or pound.

- (a) any dog found in a public place or public street;
- (b) any dog found at large without collar; or
- (c) any dog found at large without a permit badge attached to a collar or;

(d) any dog in respect of which a permit has not been issued under this Part or the permit issued is not valid.

394. (1) Any dog impounded in a pound shall not be released except—

Condition for release of impounded dogs

- (a) on payment of all pound fee due in respect of that dog; and
- (b) to the permit holder of that dog, or someone acting in his or her authority.

(2) Pound fee shall be that specified in the approved fees and charges.

395. (1) Any dog not released or reclaimed from pound within ten days of having been received in the pound may either be sold, given away, painlessly destroyed under the supervision of a veterinary surgeon or a person authorized by the County Government; or otherwise dealt away with.

Dealing with unreleased or reclaimed dogs.

(2) Any dog which is—

- (a) severely injured or suffering from an infectious or contagious disease or is savage or dangerous; and
- (b) not receiving proper or necessary treatment or not under any or sufficient control; may be painlessly destroyed under the supervision of a veterinary surgeon or any other person duly authorized by the County Government.

(3) No liability shall attach to the County Government or any officer of the County Government or any veterinary surgeon for any dog being destroyed or otherwise dealt with in accordance with the provisions of this Act.

396. (1) An Authorized Officer or police officer may on production of his or her authority and having reasonable grounds for suspicion that an offence under this Act is being or have been committed, enter upon any premises for the purpose of making such inspection or inquiry as may be reasonable for the proper carrying out and enforcement of this Act.

Right of entry.

(2) It shall be the duty of the occupier of any premises, within the County upon which a permit authorized officer or police officer may have a reasonable grounds for suspicion that an offence under this Act is being committed, to give such information or assistance which such an officer may require for proper carrying out and enforcement of this Act.

(3) Any person who fails to give required information or assistance to such an officer shall be guilty of an offence.

397. Any person who fails to comply with the provisions of this Part shall be guilty of an offence and shall be liable to a fine not exceeding seven thousand shillings in respect of a first offence and not exceeding ten thousand shillings in respect of a second or subsequent offence, or imprisonment for a period not exceeding seven months in respect of a first offence and not exceeding twelve months in respect of a second or subsequent, offence or both.

Penalties.

PART XXVI—PREVENTION AND EXTINCTION OF FIRE AND FIRE BRIGADES

398. (1) A certificate issued under this Part by County Government is referred to as a Fire Compliance Certificate it shall be subject to any exemption conferred by or under this Act irrespective of any premises which are put to use for the time being designated under this Section referred to as a “Designated Use”.

Premises and use premises for which Fire Compliance certificate is compulsory

(2) For the purpose of this sub-section, the County Government may designate particular uses of premises, if they fall within at least one of the following classes of use that is to say—

- (a) use as or for any purpose involving the provision of sleeping accommodation;

- (b) use as or as part of an institution providing treatment;
- (c) use for purposes of entertainment, recreation or instruction or any club, society or association;
- (d) use for purposes of teaching, training or research;
- (e) use for any purpose involving access to the premises by members of the public, whether on payment or not;
- (f) use for the purpose of employment as a place of work such as factories, workshops, offices and shops; or
- (g) place other than building that is moored and beached crafts and booths, circus, big tops and similar movable structures, if used for purposes within the Act.

(3) An order under this section may provide that a fire compliance Certificate shall not by virtue of this section be required for premises of any description specified in the order not with-standing that they are or form part of premises which are put to a designated use.

(4) An order in this section may include such supplementary and incidental provisions as appears to the County Government to be necessary or expedient for the purposes of the order.

(5) An order under this section may be varied or revoked by a subsequent order there under.

(6) The power to make orders under this section shall be exercised by legal notice.

(7) Without prejudice to any exemption conferred by or under this Part where premises consisting of a part of building which is occupied together with those premises in connection with that use, both of them shall for the purpose of this be treated as forming part of the premises put to that use.

399. The County Government shall have the power to inspect all designated premises covered by this Act to

Power to inspect

inspect fire safety and the provision of firefighting equipment for the purposes of issuing a fire compliance certificate.

400. (1) No fire compliance certificate shall by virtue of this part be required in respect of premises of any of the following description—

Premises Exempt
from fire
compliance
Certificate

- (a) any premises consisting of or comprised in a house which is occupied as a single dwelling unit; and
- (b) any premises appropriated to and used solely or mainly for public religious worship, (church halls used for a variety of purposes are unlikely to be exempt).

(2) The County Government may make regulations specifying fire safety precautions for—

- (a) places of worship;
- (b) prisons and similar penal institutions; and
- (c) premises occupied solely for the purposes of armed forces of the Republic, visiting forces, international headquarters and defence organizations.

401. (1) This section applies to any premises for the time being or are to be used as a dwelling if—

Power of County
Government to
make fire
compliance
certificate
compulsory for use
of certain premises
as a dwelling.

- (a) explosives or highly flammable materials or any prescribed kind have been or are being kept anywhere under, in, or on the building which consists or comprises the premises.

(2) If in the case of any premises it appears to the County Government that they are the premises to which this section applies, the County Government may serve a notice under this section relating to those premises on either—

- (a) the occupier of the premises;
- (b) the owner of the premises; or
- (c) a person (whether the occupier or owner of the premises or not) having the overall management of the building constituting or

comprising the premises.

(3) A notice under this section shall be in the prescribed form and shall—

- (a) specify the premises to which it relates;
- (b) give particulars of the facts by reason of which it appears to the fire authority that section applies to the premises;
- (c) specify one of the positions mentioned in this section and state that the person on whom the notice is served;
- (d) indicate that on the coming into force of the notice a fire certificate will in the circumstances mentioned in sub-section (6) below be required in respect of the premises to which the notice relates; and
- (e) state the right of appeal against the notice conferred by this part and the time within which such an appeal may be brought.

(4) Before the County Government serves notice under this section relating to any premises they shall confirm if such premises are situated within the County.

(5) A fire compliance certificate shall be required in respect of any Premises which, while this section applies to them and there is in force a notice under this section relating to them, are used as a dwelling.

(6) Where in the case of any premises, there is in force a notice under this section relating to them and it appears to the County Government that the notified person has ceased to occupy the specified position, they may serve a fresh notice under this section in respect of the premises; and on the coming into force of a notice relating to the premises shall cease to have effect.

(7) In this Act, “The notified person” in relation to any premises in respect of which a notice under this section is in force means the person on whom that notice was served.

402. (1) Where a notice under of this Part is served in respect of any premises, the person on whom it is served

Right of appeal
against and coming
into force of notices.

may within twenty one days from the date of the service of notice under the section appeal to the Director, Emergency and Rescue Services County on either or both of the following grounds—

- (a) that the premises to which the notice was served are not premises to which section 401 applies; or
- (b) that he does not occupy the specified premises.

(2) On an appeal under this section the County Director, Emergency and Rescue Services if satisfied as to either of the grounds mentioned in sub-section (1) above shall cancel or confirm the notice.

(3) A notice served under this Part shall come into force subject to the provisions of sub-section (4) below.

(4) A notice served under this Part of this Act shall unless previously withdrawn by the Director, Emergency and Rescue Services, come into force provided—

- (a) where no appeal under this section is brought against it within the time mentioned in sub – section (1) above, at the end of twenty one (21) days from the expiration of that time; or
- (b) where such an appeal so brought is not withdrawn or dismissed as aforesaid and is finally determined by the confirmation of the notice at the end of twenty one days from the date of the final determination of the appeal.

403. (1) An application for fire compliance certificate with respect to any premises must be made to the County Government in prescribed form and upon payment of the required fees, as per the approved fees and charges—

- (a) must specify the particular use or uses of the premises which it is desired to have covered by the fire compliance certificate;
- (b) must give such information as may be prescribed about the premises and any prescribed matter connected with them; and
- (c) if the premises consists of part of a building

Application for an issue of fire compliance certificate.

must, in so far as it is available to the applicant give such information as may be prescribed matter connected with it.

(2) On receipt of any application for a fire compliance certificate with respect to any premises, the County Government may require the applicant within such a time as they may specify—

- (a) to furnish them with such plans of the premises as they may specify;
- (b) If the premises consists of part of a building must, in so far as it is available to the applicant give such information as may be prescribed about the rest of the building and any prescribed matter connected with it; and
- (c) if the applicant fails to furnish the required plans within that time or such further time as the County Government may allow the applicant shall be deemed to have been withdrawn the application at the end of that time or further time as the case may be.

(3) Where an application for a fire compliance certificate with respect to any premises has been duly made and all such plans as are required to be furnished under sub-section (2) above in connection with it have been duly furnished, it shall be the duty of the County Government to cause to be carried out an inspection of the relevant building (including any part of it which consists of premises to which any exemption conferred under this Act applies) and the County Government shall issue a fire compliance certificate if the it satisfied as regards any use of the premises which is specified in the application that—

- (a) the means of escape in case of fire with which the premises are provided;
- (b) the means of escape in case of fire (other than means of fighting fire) are provided can be safely and effectively used at all material times; and
- (c) the means of giving warning in case of fire are such as may reasonably be required in the

circumstances of the case in connection with that use of the premises.

(4) Where the County Government after causing to be carried out under sub-section (2) above an inspection of the relevant building are as regards any use, notice shall be served on the applicant so as—

- (a) to inform the applicant of that fact and of the steps which would have to be taken to satisfy the County Government as aforesaid as regards that use; and
- (b) notify the applicant that they will not issue a fire compliance certificate covering that use unless those steps are taken (whether by the applicant or otherwise) within a specified time as may be allowed by the County Government of or by any order made by a Court on or in proceedings arising out of an appeal under section 402 of this Act against the notice.

404. (1) Every fire compliance certificate issued with respect to any premises shall specify—

Contents of a fire compliance certificate.

- (a) the particular use or uses of the premises with which the certificate covers;
- (b) the means of escape in case of fire with which the premises are provided;
- (c) the means (other than the means for fighting fire) with which the relevant building is provided for ensuring that the means of escape with which the premises are provided can be safely and effectively used at all material times;
- (d) the type, number and location of the means for firefighting (whether in the premises or effecting the means of escape) provided for use in case of fire by persons in the building; and
- (e) the type, number and location of the means provided for giving warning to persons in the premises warning in case of fire and, may where required, do so by means of or by

reference to plan.

(2) A fire compliance certificate issued with respect to any premises may impose such requirements as the County Government considers appropriate in the circumstances—

- (a) for ensuring that the means of escape in case of fire with which the premises are provided are properly maintained and kept free from obstruction;
- (b) or for ensuring that the means which the relevant building is provided as mentioned sub-section (1) (c) up to (1) (e) above are properly maintained;
- (c) or for ensuring that the persons employed to work in the premises receive appropriate instruction or training in what to do in case of fire and that records are kept on instructions given for that purpose;
- (d) for limiting the number of persons who may be in the premises at any one time and; and
- (e) as to other precaution to the risk in case of fire to persons in the premises, by the provision of emergency procedure.

(3) Any requirements imposed by virtue of sub-section (2) above by a fire compliance certificate issued with respect to any premises—

- (a) may so far as they apply to the premises be framed either so as to apply to the whole if the premises or so as to apply to one or more parts of them, and;
- (b) where the premises do not constitute the whole of the relevant building, may (where appropriate) be framed either so as to apply to one or more parts of the rest of it and different requirements may in either case be imposed in relation to different parts, and a fire compliance certificate covering more than one use of the premises to which it relates may by virtue of sub-section (2) above impose

different requirements of the premises or of any part of the premises.

(4) For the purpose of this Act a fire compliance certificate issued with respect to any premises shall be treated as required in every matter specified in the certificate in accordance with sub-section (1) (b), (c) and (d) above to be kept in accordance with its specifications in the certificate; and reference in this Act to requirements imposed by a fire compliance certificate shall be construed accordingly.

(5) A fire compliance certificate issued with respect to any premises other than premises in relation to which notice under section 401 of this Act in force shall be sent to the occupier of the premises and shall be kept in the premises so long as it is in force.

(6) A fire compliance certificate issued with respect to any premises in relation to which a notice under section 401 of this Act is in force the certificate shall be kept in the relevant building or premises

(7) A fire compliance certificate shall be applied for and obtained for cover of designated use of any premises on annual basis.

(8) The fire compliance certificate with respect to any premises in compliance with Section 401 of this Act may be issued on payment of fees as specified in the approved fees and charges of this Act.

405. (1) Subject to sub-section (3) below, if any premises are at any time put to a designated use, being premises such that, where they are put to that use, a fire certificate is by virtue of this Act required in respect of them, then if no fire certificate covering that use is at that time in force in respect of the premises, the occupier of the premises shall be guilty of an offence.

(2) Subject to sub-section (3) below, if any premises are used as a dwelling at any time while Section 401 of this Act applies to them and a notice under that section relating to them is in force, then if no fire compliance certificate covering that use is at that time in force in respect of the premises the notified person shall, unless he proves that at

Offences in relation
to foregoing
provisions

that time he no longer occupies the specified position, be guilty of an offence.

(3) A person shall not be guilty of an offence under sub-section (1) or (2) above by reason of any premises being put to a designated use or used as a dwelling at a time after an application for a fire certificate with respect to them covering that use has been duly made and before certificates is granted or refused.

(4) While a fire compliance certificate is in force in respect of any premises, any requirement imposed thereby is contravened by reason of anything done or not done to or in relation to any part of relevant building; every person who is responsible for that contravention shall be guilty of an offence.

Provided that that a person shall not be convicted on an offence unless it is provided that the responsibility for contraventions of the requirement in question has been made known to him before the occurrence or the contravention in respect of which he is charged unless he fails to take corrective measures within the specified time.

(5) If the owner or occupier of any premises does not to be keep the fire compliance certificate in the premises covered by the certificate, the occupier of the premises he shall be guilty of an offence.

406. (1) When a fire compliance certificate is in force with respect to any premises and the occupier intends to—

- (a) make material extension or material structural alterations to the premises;
- (b) make a material alteration to internal arrangements of the premises or equipment with which the premises are provided; or
- (c) begin to keep explosive or highly flammable materials of any prescribed kind anywhere under, in or on the relevant premises.

(2) An occupier of any premises who intends to make the changes in sub-section (1) above shall before the carrying out of the changes, give notice to the County Government.

Change of conditions affecting adequacy of certain matters specified in a fire compliance certificate

(3) Any person who fails to comply with the provisions of this section shall be guilty of an offence.

(4) If the County Government is satisfied, as regards to any premises with respect to which a notice under sub-section (1) above has been given to them, that the carrying out of the proposals notified would result in any of the matters mentioned in section 404 (1) (b) to (e) of this Act becoming inadequate in relation to any use of the premises covered by the relevant fire compliance certificate, they may by notice serve to the occupier within two months from the receipt of the notice under sub-section (1) —

- (a) inform the occupier of the steps which would have to be taken in relation to the relevant building to prevent the matters in question from becoming in their opinion inadequate in relation to that use in the event of the proposals being carried out; and
- (b) give him such directions as the County Government consider appropriate for safety and if these directions are duly taken in connection with the carrying out of the proposals, the County Government shall amend the certificate or issue a new one.

(5) If any person contravenes a directive given to him in pursuance of sub-section (4) (b) above, shall be guilty of an offence, and the County Government may cancel the fire compliance certificate issued with respect to any premises if they are so satisfied that there has been such a contravention as aforesaid by the occupier, whether or not proceedings are brought in respect of the contravention.

407. (1) A person shall not store or cause or permit to be stored any materials of combustible nature in such a quantity or in such a situation or in such a manner as to cause danger of fire to any building.

(2) Inflammables, explosives, or poisonous substances, gases, or fluids, or celluloid shall be stored or kept only in such quantity and in such situation as the County Government may require.

(3) No quantity of celluloid shall be stored or kept in

Storage of
combustible
materials.

any premises used in whole or in part for the purpose of human habitation or in any premises, used for any other purpose unless the store is separated from other parts of the premises by fire resisting partitions, floors, and ceilings constructed to the satisfaction to the County.

(4) No quantity of inflammable cinema-to-graphic film shall be stored or kept in any premises used in whole or part for the purpose of human habitation or in any premises in which any other combustible material is stored or kept or which is used for any other purposes unless the store is separated from other parts of the premises by fire resisting partitions, floors and ceilings constructed to the satisfaction of the County provided with an outlet gas vent to the open air so placed as to constitute a fire or explosion risk to any other building. All such films shall be stored in closed metal boxes and shelving shall be of non-combustible material.

(5) The County Government may by notice require any person storing or causing or permitting to be stored any such materials to remove them or to take within a period to be fixed in such a notice such reasonable precautions against fire as it may deem necessary.

(6) A person shall not use or permit to be used any building or other premises or place for storage of any inflammable, explosive or poisonous substances, gases or fluids or any celluloid unless he shall be in possession of a current licence in respect of such premises issued by the Authorized Officer or other relevant authority in the specified form or otherwise than in accordance with the terms and conditions, if any, of his or her licence—

- (a) calcium carbide shall not be stored or kept except in a strong hermetically sealed metal containers placed in a position not exposed to moisture.
- (b) no quantity of calcium carbide in excess of 13 kilograms shall be stored or kept except in isolated and well ventilated building set apart for the purpose in which no artificial light or heat is used and in which no material of a combustible nature is kept or stored.

(7) A person who fails to comply with the provisions of this section shall be guilty of an offence.

408. (1) A fee shall be paid to the County Government for every licence issued under this Part.

Licence fees

(2) All licences shall expire on the 31st day of December next following the date of issue—

- (a) A licence shall not be transferable from the holder to any other person without the permission of the County Government and for every such transfer; a fee as prescribed in the approved fees and charges shall be paid; and
- (b) no such licence in respect of section sub-section (3) (a) herein above of this law shall in any case be transferred from the premises in respect of which it is granted to any other premises.

409. (1) In the case of any particular use of premises which the County Government has power to designate under this Part, the County Government may by regulations make provisions which, as regards premises put to that use, or make provisions which, as regards premises put to any specified class or such premises, are to be taken or observed in relation to the risk to persons in case of fire.

Power of the County Government to make regulations about on fire precautions

(2) The County Government may by regulations make provisions as to precautions which are to be taken or observed in relation to the persons in case of fire as regards to premises which are used as a dwelling or any specified class of such premises.

(3) Without prejudice to the generality of powers conferred on the County Government by sub-section (1) and (2) above, regulations made by the County under this section may in particular, as regards any premises to which they apply impose requirements—

- (a) as to the provision, maintenance and keeping free from obstructions and means of escape in case of fire;

- (b) as to provision and maintenance of means of escape that can be safely and effectively used as all material times;
 - (c) as to the provision and maintenance of means for fighting fires and means of giving warning in case of fire; and
 - (d) as to the internal construction of the premises and the material used in that construction.
 - (i) for prohibiting altogether the presence of use in the premises of furniture or equipment of any specified description or prohibiting its presence of use unless specified standards or conditions are complied with;
 - (ii) for ensuring that persons employed to work in the premises receive appropriate instructions or training in what to do in case of fire; and
 - (iii) for ensuring that in specified circumstances specified numbers of attendants are stationed in specified parts of the premises.
 - (e) as to the keeping of records of instructions or training given or other things done, in pursuance of the regulations.
- (4) Regulations under this section—
- (a) may impose requirements on persons other than occupiers of the premises to which they apply;
 - (b) may, as regards any or their provisions, make provisions as to the person or persons who are to be responsible for any contravention thereof; and
 - (c) may provide that if any specified provision of the regulations is contravened, the person or each of the persons who are under the regulations is or are responsible for the contravention, shall be guilty of an offence

under this section.

(5) It shall be the duty of the County before making any regulations under this section, to consult with such persons or bodies of persons as appear to the County Government to be necessary.

410. (1) The owner of any premises may be required by the County Fire Officer or an Authorized Officer to provide on such premises any fire extinguisher or other appliances for extinguishing fire.

Responsibility of owners of premises on fire precautions.

Provided that any person who is aggrieved by the decision of the County Fire Officer or the Authorized Officer requiring him to provide on any premises any extinguisher or other appliances for extinguishing fire may appeal to the Director, Emergency and Rescue Services County within fourteen days of such decision of the County Fire Officer.

(2) The owner of any premises who has been required by the County fire Officer to provide on such premises any fire extinguisher of or other appliances shall maintain such extinguisher of other appliances in an efficient working order.

(3) Every such owner shall ensure that all portable fire extinguishers relying on internal pressure for their operation shall have their initial date of commission indelibly marked on the body of the extinguisher.

(4) Every such owner shall ensure that the body of the extinguisher is subjected to a hydraulic pressure test to the prescribed pressure for the type of such extinguisher three years, after the initial commissioning and every year thereafter and the data of such tests shall be indelibly marked on the body of the extinguisher.

(5) Every such owner shall ensure, if the premises, has fixed firefighting installations, such as sprinklers, alarms and detectors; that such installations are tested on a monthly basis to confirm their dedication and efficiency and a certificate of service-ability produced on demand by the authorized officer.

(6) A person who fails to comply with the provisions of

this section shall be guilty of an offence.

411. (1) A person shall not install, service or repair any firefighting equipment or portable fire extinguisher installed in any premises or area wherein such equipment is required under this Part, unless he is in possession of a current licence issued under this Act to carry out such installation, service or repair as specified in the licence, nor otherwise than in accordance with the terms and conditions, if any, of his or her licence.

Licensing to install
service repair of
firefighting
equipment

(2) A licence to install, service or repair any firefighting equipment or portable fire extinguisher may be granted to a person who satisfies the County Fire Officer that he possesses satisfactory mechanical knowledge to service, repair or install firefighting equipment or portable fire extinguishers and use of the firefighting equipment or portable fire extinguishers specified in the application.

(3) An application for a licence to install, service or repair any firefighting equipment or portable fire extinguisher shall be made in the form specified under of this Act.

(4) The Authorized Officer may subject to the provisions of sub-section (2) of this Act issue a licence which shall be in the form specified in the fourth schedule of this under this Act.

(5) A person who fails to comply with the provisions of this section shall be guilty of an offence.

412. (1) A licensee carrying out any installation, examination, service or licence repair of any firefighting equipment or portable fire extinguisher shall affix or cause to be affixed a label (inspection sticker) thereto on which shall be written in indelible writing the following particulars—

Affixing of
label (inspection
sticker)

- (a) the name of the licensee carrying out such service, repair, examination or installation;
- (b) the number of his or her licence;
- (c) the date of such installation, service or repair and the condition of equipment or any portable fire extinguisher; and

(d) the date of the next service.

(2) If any defect is found in any firefighting equipment or portable fire extinguisher, the licensee shall advise the occupier of the premises thereof in writing and shall cause a copy of such report to be delivered to the County Fire Officer.

(3) A licensee shall not remove any firefighting equipment or portable fire extinguisher from any premises unless that apparatus has been replaced temporarily by similar serviceable equipment or portable apparatus.

(4) A licensee shall not close down any fixed firefighting installation for any purpose whatsoever on any premises without first obtaining authority therefore in writing from the County fire Officer.

(5) A person shall not install in any premises or area any second hand fire equipment or portable fire extinguisher unless a certificate of efficiency has been issued by a licensee in respect of such fire equipment.

(6) A person shall not issue a certificate of efficiency in respect of any firefighting equipment or portable fire extinguisher unless he is in possession of a current licence granted to him or her under this Act.

(7) All portable fire extinguishers installed in any premises shall be serviced on a quarterly basis and whenever they have been used and a certificate of serviceability obtained.

(8) A person who fails to comply with the provisions of this section shall be guilty of an offence.

413. (1) The County Government may erect on any premises or may affix or cause to be affixed to any building, wall, post, fence or other structure or on any tree any fire alarm, telephone, telegraph or other appliances for the transmission of calls of fire to any fire station and any board or metal plate indicating thereon the position of any fire hydrant and may at any time, repair, remove or alter or cause to be repaired, removed or altered any such appliance or board or metal plate.

The County
Government to affix
or erect a sign
showing fire
hydrant

(2) No unauthorised person shall tamper with, damage,

destroy or remove any such appliance, boards or metal plate, or any notice or any kind thereon or other apparatus of any fire alarm apparatus.

414. (1) On the occasion of an outbreak of fire the County Fire Officer or his or her Deputy shall with such other members of the fire brigade attend fire with such appliances as he may deem necessary and he may in his or her discretion reject or avail himself or herself and take command of any persons who may voluntarily place their services at his or her disposal.

County Fire
Officer to respond to
fire

(2) The Fire Brigade whilst proceeding to a fire on any fire fighting machine, vehicle or appliances shall have an overriding right of way over all classes of traffic in any street or public place.

(3) Drivers of all vehicles, shall in relation to subsection (2) above afford immediately passage to such fire fighting machine, vehicle or appliances by drawing into the side of the street and remaining stationery until such fire fighting machine or appliances have passed.

(4) The use of sirens or bells on any motor vehicle other than a fire fighting machine or appliance, ambulance or police is prohibited.

(5). Any person who deliberately causes an obstruction to a fire brigade vehicle, ambulance, a police vehicle proceeding to an emergency commits an offence.

415. (1) The County Fire Officer or his or her Deputy, or in their absence, any police officer of or above the rank of inspector or an Authorized Officer may take any measures that may appear expedient for the prevention of or extinction of fire outbreak or the prevention or spread of fire or the protection of life or property, and in particular he may—

Role of the County
Fire Officer

- (a) if it should be necessary for such purpose break into or pull down any premises being or appearing to be on fire, or in danger of becoming on fire; and
- (b) may do all such acts or things as may be deemed necessary for extinguishing or preventing fire in any such premises or for

protecting them or rescuing persons or salvaging property therein from fire—

- (i) any street or public place in or near which a fire has broken out may be temporarily closed and any officer of the fire Brigade or any Police Officer may order any person who may by his or her presence or otherwise interfere with the operation of the fire brigade or police to move from such street or other public place;
- (ii) save as provided under sub-section (1) above a person shall not at any fire, break in to or enter any premises for the purpose of salvaging property without the authority of the County Fire Officer or his or her Deputy or a Police Officer of or above the rank of Inspector or an Authorized Officer; and
- (iii) where the fire brigade is in attendance at any premises which are on fire, any person who breaks into or enters the premises without the express permission of a senior fire officer present except for the purposes of saving a life of any other person shall be guilty of an offence.

416. (1) A person shall not interfere with; drive over or in any way damage the hose of any firefighting appliance in use by the fire brigade whilst engaged in preventing or extinguishing a fire or at a fire training drill.

Interference with the members of the fire brigade and the firefighting appliances

(2) A person shall not interfere with, molest, or obstruct any member of the fire brigade in the execution of his or her duties or with any person acting under the command of the County fire Officer or his or her Deputy.

(3) A person shall not knowingly give or cause to be given a false alarm of fire to the Fire Brigade either by means of a fire alarm or by telephone or by word of mouth or by other means.

(4) Any person contravening or failing to comply with the provision of any this laws or of any notice issued there under shall be guilty of an offence.

417. (1) It shall be the duty of County Government to enforce within County the provisions of this Act and regulations made, and for the purpose appoint fire prevention officer(s).

Enforcement of this Part.

(2) Subject to the provisions of this section any of the following persons (in this section referred to as Fire Prevention Officers) namely Fire Officer appointed under Sub-section (1) and a fire prevention officer may do anything necessary for the purpose of carrying out this Act and regulations there under into effect and, in particular shall so far as may be necessary, for that purpose, shall have the power to do at any reasonable time any of the following things namely—

- (a) to enter any such premises and to inspect the whole or any part thereof and anything therein;
- (b) to make such inquiry as may be necessary for any of the purpose mentioned in sub-section (3);
- (c) to require the production of, and to inspect, any fire compliance certificate in force with respect to any premises or any copy of any such certificate; and
- (d) to require any person having responsibilities in relation to any such premises as are referred to in sub-section (1) (whether or not the owner or occupier of the premises or a person employed to work therein) to give him such facilities and assistance with respect to any matters or things to which the responsibilities of that person extend as are necessary for the purpose of enabling the fire prevention officer to exercise any of the powers conferred on him by this sub-section.

(3) The fire prevention officer shall, if so requires when visiting any premises in the exercise of his powers produce to the occupier of the premises duly authenticated document showing his or her authority.

(4) A person who—

- (a) intentionally obstruct any fire prevention

officer in the exercise of performance of his or her duties under this Act; or

- (b) without reasonable excuse fails to comply with any requirements imposed by a fire prevention officer under this section shall be guilty of an offence.

418. If a person discloses (otherwise than in the performance of his or her own duties or for the purposes of any legal proceedings including arbitration any information obtained by him in any premises entered by him in the exercise of power conferred by this Act, shall be guilty of an offence.

Restriction on disclosure of information.

419. (1) if a person—

- (a) with intent to deceive, forges a fire compliance certificate or makes or has in his or her possession a document so closely resembling a fire Compliance certificate as to be calculated to deceive;
- (b) for the purpose of processing the issue of a fire certificate, makes any statement or gives any information which is so false; or
- (c) in purported compliance with any obligation to give information to which he is subject under or by virtue of this Act, or in response to any inquiry made by virtue of this Act, gives any information which he knows to be false in a material particular.

Falsification of document and false statement.

He shall be guilty of an offence.

(2) If a person with the intention to deceive pretends to be a fire prevention officer he or she shall be guilty of an offence.

(3) Where an offence under this Act is committed by a body corporate, is proved to have been committed with the consent or connivance of, or to be attributed to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate shall be guilty of an offence.

(4) Where the affairs of body corporate are managed by its members, this section shall apply in relation to the acts and defaults of a member in connection with his or her functions of management as if he were a director of the body corporate.

(5) Where the commission by any person of an offence under this Act or any regulations made there under is due to the act or default of some other person, that other person may be charged with and convicted whether or not proceedings are taken against the first mentioned person.

420. In any proceedings for an offence under this Act or under regulations made there under, it shall be a defence for the accused to provide prove that he or she took all reasonable precautions and exercised all due diligence to avoid the commission of such and offence.

Defence available to persons charged with offences

421. (1) A person shall not make or cause or permit to be made any fire in the open air in such a manner as to endanger the safety of any person or building.

Miscellaneous and general provisions of this Part

(2) A person shall not throw or discharge or cause or permit to be thrown or discharged any fireworks in any street or public assembly without prior permission in writing from the Authorized Officer.

422. Any person who is guilty of an offence under this Part shall be liable to a fine not exceeding ten thousand shillings in respect of a first offence and not exceeding twelve thousand shillings in respect of a second or subsequent offence, or imprisonment for a period term not exceeding seven months in respect of a first offence and not exceeding nine months in respect of a second or subsequent, offence or both such fines and such periods of imprisonment.

General offence and Penalties.

PART XXVII—GENERAL NUISANCE

423. Any person who shall—

Noisy musical instruments.

- (a) in any street or in connection with any shop, business premises or other place which adjoins any street and to which the public are admitted wilfully obstruct;
- (b) upon any other premises, by playing, operating

or causing to be played or operated, any musical instrument, wireless, loud-speaker, gramophone, amplifier or similar instrument, make or cause or suffer to be made any noise which is so loud and so continuous or repeated as to cause an annoyance to occupants or inmates of any premises in the neighbourhood or to passers-by on a street shall be guilty of an offence; and

- (c) any person making loud noises, speeches or wailings as to cause annoyance to the occupants' inmates or persons passing by a street or an open space shall be guilty of an offence.

Provided that no prosecution shall be instituted against any person for any offence under this Act unless the annoyance remain unabated after the expiry of seven days from the date of the service on such person of a notice signed by the Authorized Officer alleging such annoyance.

424. Any person, who shall, in connection with any building, demolition or road construction work, cause or suffer to be caused any unnecessary noise so loud or so continuous or repeated as to cause an annoyance to occupants of any premises in the neighbourhoods, shall be guilty of an offence.

Noisy building operations.

425. Any person who shall, in any part of the County other than the industrial or light industrial zones as specified in any laws of the County or in the relevant written laws in connection with any trade or industrial process cause or suffer to be caused any noise so loud or so continuous or so repeated as to cause annoyance to the occupants of any premises in the neighbourhoods shall be guilty of an offence.

Noisy trades and industrial operations.

426. (1) Any person who shall erect or authorize the erection of any barbed wire alongside a street without the prior written consent of the Authorized Officer shall be guilty of an offence.

Barbed wire

(2) The County Government may serve a notice upon the owner or occupier of any land or building upon which any barbed wire has been erected in contravention of

paragraph sub-section (1) above.

(3) Any person who shall fail to comply with the requirements of a notice served in pursuance of sub-section (2) above shall be guilty of an offence.

427. Any person who shall without lawful authority deposit or cause or permit to be deposited any soil, vegetation, refuse or debris on any public land and streets in the County shall be guilty of an offence.

Deposit of debris.

428. Any person who shall keep within the County any animal or poultry which causes a nuisance to any of the residents in the neighbourhoods shall be guilty of an offence.

Nuisance by animals.

Provided that no prosecution shall be instituted against any person for an offence against this section unless such nuisance be continued after the expiry of seven days from the date of the service on such person of a notice signed by the Authorized Officer alleging a nuisance.

429. (1) Any person who shall, except with the written permission of the Authorized Officer and subject to such conditions as he may deem fit, keep within the County, except in agricultural land, a game animal or reptile other than a lizard, or an ass, mule, ox, bull, or cow, goat, sheep or pig shall be guilty of an offence.

Game animals

(2) the County Government may remove any of the species of animals referred to in sub-section (1) which has been kept within the County except in agricultural land or left in a street in contravention of this section and impound the same.

(3) The owner of a game animal or reptile other than a lizard or an ass, mule, ox, horse, bull or cow, goat, sheep or pig removed from the County in pursuance of sub-section (2) shall not be entitled to recover the same until he has paid to the County Government the prescribed fees in the approved fees and charges.

Provided that if such owner does not pay the fees and expenses due within a period of seven days from the date the said animal was impounded the County may sell or otherwise dispose of the same by auction or any other means and the proceeds of such disposal, if any, shall be

set off against the outstanding fees and expense, if any, incurred by the County Government in removing or disposing of the same.

(3) Any person who has under his or her control or in his or her custody—

- (a) any game animal or any reptile, or any ass, mule, bull, goat, sheep or pig which causes a nuisance or annoyance to any of the residents of the area;
- (b) any animal, reptile, poultry or bird which is so kept as to be or likely to become injurious to the health of any person; or
- (c) any animal reptile poultry or bird which wanders on a street in such a manner as to cause obstruction or inconvenience to traffic; shall be guilty of an offence.

(4) Any person who shall except with the written permission of the Authorized Officer and subject to such conditions as he may deem fit, permit any animal of the species referred to in sub-section (1) to graze on public land and streets within the County shall be guilty of an offence.

430. (1) Where in the opinion of the County Government any hedge tree or other growth is so placed or in such condition as—

Encroaching hedges
and trees

- (a) to be a danger to any person or vehicle using a street; or
- (b) to interfere with—
 - (i) the view along any street or from one street into another; or
 - (ii) the use of the street by pedestrian or vehicle traffic;
 - (iii) the County Government may serve a notice on the owner or occupier of the land on which such hedge, tree or other growth is situated requiring him, within such period of time, not exceeding fourteen

seven days as shall be specified in such notice to cause the hedge, tree or other growth to be chopped, trimmed or removed.

(2) Any person who fails to comply with the requirements of a notice served in accordance with sub-section (1) shall be guilty of an offence.

(3) Without prejudice to any prosecution which may be instituted under sub-section (2), the County Government may on expiry of the period of time specified in a notice served execute any of the work specified in the said notice and any expenses incurred by the County Government in so doing shall be recoverable from the said person as a civil debt.

(4) Any person who shall without statutory authority or the consent of the Authorized Officer given in writing erect or permit the erection of any structure in such a position that it is sited in or protrudes over a street shall be guilty of an offence.

(5) For the purpose of this section "structure" includes a machine, pump, post, billboards or other object, capable of causing an obstruction to a passenger or a vehicle in a street.

431. (1) A person shall not attach, hang, erect or permit the erection of any object from or alongside any street in such a manner as it protrudes over or into a street without an approval from the County Government or otherwise than in accordance with any condition attached to that approval.

Projections

(2) The Authorized Officer may serve a notice to the owner or occupier of any premises from or alongside which an object has been attached, hung or erected in contravention of sub-section (1).

(3) Any person who contravenes or fails to comply with the provisions of this Section or any conditions attached to an approval there under or a notice served under the provisions of paragraph sub-section (2) shall be guilty of an offence.

(4) The provisions of this Section shall not apply to an

advertisement permitted under any laws of the County for the time being in force or to any structure approved by the County Government under any such laws.

432. (1) If in or on any land adjoining a street, there is an unfenced danger or inadequately fenced source of danger to persons using the street, the County may, by notice to the owner or occupier of that land, require him, within such time (not being less than seven days) as may be specified in the notice, to execute such works of repair, protection, removal or enclosure as will remove the danger.

Source of danger

(2) Any person who fails to comply with a notice served in pursuance of sub-section (1) within the time specified in such notice shall be guilty of an offence.

433. Any person who shall—

Damage and
obstructions

- (a) in any way wilfully obstruct the free passage of any street;
- (b) wilfully or negligently damage or destroy the surface of any public street;
- (c) pull down, destroy, obliterate, deface, displace or remove any property of the County on or near a street;
- (d) damage or destroy any tree, shrub, flower, plant or grass on land forming part of a public street;
- (e) disturb, damage or destroy any barrier, fence or other erection or any trestle, lamp, stone or other material placed on a street or by fitting attached thereto;
- (f) wilfully or negligently pull down, damage or destroy any lamp standard or bollard in a street or damage or remove any bulb or fitting attached thereto; or
- (g) dig, plough, till or cultivate any public street without the written permission of the Authorized Officer, shall be guilty of an offence.

434. Any person, who shall, without lawful authority, deface any building by writing, signs or other marks thereon shall be guilty of an offence.

Defacing buildings

435. (1) Any person who, without statutory authority, shall break up or authorize the breaking up of the surface of a public street, without the permission of the County Chief Engineer, shall be guilty of an offence.

Breaking.

(2) Any person who contravenes or fails to comply with any condition attached to the approval permit granted under this section shall be guilty of an offence.

436. (1) Any person who shall place or leave or allow or cause to be placed or left any vehicle or article or material in a street in such a manner that it causes or is likely to cause an obstruction to persons or vehicles using the street shall be guilty of an offence.

Obstruction.

(2) The County Government may remove any vehicle or article or material which has been placed or left in a street in contravention of this Act and impound the same.

437. (1) The owner of a vehicle, article or material removed from a street in pursuance of section 436 of this Part shall not be entitled to recover the same until he has paid to the County Government in the prescribed fees for removing and impounding the same as per the approved fees and charges.

Pound fee.

(2) The fees shall be charged per day for the period the vehicle, item or material has remained impounded.

Provided that if such owner does not pay the fees and expenses due within a period of sixty days from the date the vehicle, article or material was impounded, the County Government may sell or otherwise dispose of the same and the proceeds of such sale or disposal, if any, shall be set off against the outstanding fees and expenses, if any, incurred by the County in removing or disposing of the vehicle or article or material.

438. Any person who shall in any street—

Nuisance on the streets.

(a) ignite any firework;

(b) without the permission of the Authorized Officer in writing and for the purpose of

hawking, selling, distributing or advertising any article or event, shout or use any bell, gong, or other noisy instrument or loudspeaker;

- (c) without the permission of the Authorized Officer in writing draw, wheel or drive any vehicle or carry any board or placard used solely or chiefly for the purpose of exhibiting advertisements;
- (d) without the permission of the Authorized Officer in writing and for the purpose of advertising distribute any bill Act or other paper commit any act contrary to public decency;
- (e) without statutory authority deface the footway or roadway by writing or other marks;
- (f) place or deposit and leave any glass, china, earth ware, tin, carton, paper, sawdust or other rubbish so as to create or tend to create litter;
- (g) throw down or leave any orange peel, banana skin, or other substance likely to cause a person to fall down;
- (h) to the inconvenience or danger of any person carry or convey any bag of lime, charcoal, or other offensive material, timber or any pointed or edged tools or implements not properly guarded;
- (i) play any game in such a manner as to cause likelihood of damage to property, or danger to any person;
- (j) ride, drive or propel a vehicle on a footpath;
- (k) spit on any footpath or blow his or her nose otherwise than into a suitable cloth or tissue;
- (l) loiter or importune for the purpose of prostitution;

- (m) procure or attempt to procure a female or male for the purpose of prostitution;
- (n) while being in charge of any dog, allow such dog to foul any footpath;
- (o) wash any vehicle or, except in the case of an emergency, repair or dismantle any vehicle on any foot path;
- (p) except in the case of emergency, sound any motor horn, cycle bell or similar warning instrument;
- (q) without the consent of the Authorized Officer, light or maintain or suffer to be lit or maintained any fire or brazier on a foot path;
- (r) in the central area as defined in any laws of the County for the time being in force, ride or drive any animal on a foot-path;
- (s) defecate or urinate on the street or any open space; or
- (t) smoke cigarettes in Public places as provided for in the Tobacco Control Act, 2007 shall be guilty of an offence.

439. (1) A person shall not deposit or cause to be deposited or have or harbour or store on any public land and streets, any building material, road materials, earth, stones or soil other than for the purpose of erection of approved buildings thereon.

Deposition of
Materials

(2) A person shall not deposit or cause to be deposited or have harbour or store on any public land and streets, any disused vehicles, old metals, or any kind of materials which, in the opinion of the Medical Officer of Health, are likely to cause any nuisance or conditions liable to be injurious or dangerous to health without the written permission of the Authorized Officer.

440. Any person who shall be in or near a street discharge a missile in a manner likely to cause damage to property or danger to any person shall be guilty of an offence.

Discharge of
missiles

441. Any person who shall drive or allow to be driven any vehicle so loaded that its contents or any part thereof spill on to the surface of a street shall be guilty of an offence.

Vehicle loads

442. Loitering on any County Government property other than residential property, without lawful authority is prohibited. Any person in contravention of this Section shall be guilty of an offence.

Loitering on the County Government property

443. (1) Except where otherwise specifically provided in these Sections any notice, permit or consent which the County Government is authorized or required to give may be signed on behalf of the County Government by the Authorized Officer or by any officer of the County Government duly authorized by him to sign such notice or consent.

Signing of Notices or Consent

(2) Any such notice, permit or consent purporting to bear the signature of the Authorized Officer shall for the purpose of this Act be deemed, until the contrary is proved, to have been duly issued by the County Government.

(3) Any notice or other document required or authorized by or under this Act to be served to a corporation shall be duly served if served to the Chief Executive Officer;

(4) Where any premises are jointly owned or occupied by more than one person a notice required or authorized to be served by or under this Act in respect of such premises shall be duly served if served in accordance with this Section on any one of those persons.

(5) Any notice or other document required or authorized by or under this Act to be served on any person may be served either—

- (a) by delivering it to that person; or
- (b) by leaving it at his or her proper address; or
- (c) by registered post addressed to him at his or her proper address.

(6) For the purpose of this Part, the proper address of any person shall, in the case of a corporation be that of the registered or head office of the corporation, and in any other case, be the usual or last known place of a abode or

business of the person on whom the notice is to be served.

(7) If the name or the address of any notice for the owner or occupier of premises upon whom any notice is to be served cannot, after reasonable inquiry, be ascertained, the notice may be served by addressing it to the person on whom it is to be served by the description of "owner" or occupier of the premises (describing them) to which the notice relates, and by delivering it to some responsible person occupying or appearing to occupy the premises, or by fixing it or a copy of it to some conspicuous part of the premises.

444. A person who fails to comply with the provisions of this Part shall be guilty of an offence and shall be liable to a fine not exceeding five thousand for the first offence or to seven thousand for the second or subsequent offence or to imprisonment term of seven months for the first offence or nine months for the second or subsequent offence or both.

Offences and penalties.

PART XXVIII—POLYTHENE CARRY BAGS

445. No person shall—

Prohibition

- (a) sell, import, manufacture, produce or store non bio degradable polythene carry bags of less than the recommended thickness within the jurisdiction of the County;
- (b) being a vendor, use such polythene carry bag for storing, carrying, dispensing or packaging of any articles or commodity;
- (c) litter any public place with polythene carry bags;
- (d) any person in contravention of this part shall be guilty of an offence and shall be liable to a fine not exceeding five thousand for the first offence or to seven thousand for the second or subsequent offence or to imprisonment term of seven months for the first offence or nine months for the second or subsequent offence or both.

PART XXIX—SOLID WASTE MANAGEMENT

446. (1) It is the County Government's primary duty to regulate waste and its management within the County and for this purpose all waste generated or otherwise arising within the area of the County shall be subjected to this Act and shall be regulated by the County Government accordingly.

Duty of care

(2) The County Government shall prepare a waste management plan of its arrangements for managing waste arising within the County.

(3) The plan shall include information as to, among other things, the kinds and quantities of waste likely to be present within the County during the plan period the methods by, and arrangements under, which the waste should be treated or disposed of the sites and equipment which the County Government and other persons are providing or propose to provide for treating and disposing of the waste; and an investment plan for implementing the plan.

(4) The County Government shall establish and maintain schemes and arrangements for the removal and destruction of, or otherwise dealing with all kinds of waste generated or otherwise arising within the County and may establish different schemes or arrangements for different parts or zones of different categories of waste and, where such schemes or arrangements are established or otherwise exists, to compel the use of such schemes or arrangements by persons residing in or carrying on business or other activities within the County.

(5) It shall be the duty of any person who produces, carries, keeps, treats, disposes of or otherwise handles waste or who otherwise has control of waste or that of any other person and, on the transfer of waste, to ensure that the transfer is made only to an authorized person or to a person for authorized transport purposes and that there is transferred with the waste such a written description of the waste and also to enable other persons to comply with this duty as respects the escape of the waste.

(6) The duty under sub-section (5) does not apply to an occupier of a domestic property in respect to the household waste produced on the property.

(7) The occupier or owner of any residential dwelling or trade premises the County shall deal with waste arising from the premises in accordance with directions issued by the County Government either specifically or under the scheme or arrangement established by the County Government under this Act for the management of domestic or trade waste arising in the area where the particular occupier or owner resides or carries on business or other activities.

447. (1) The County Government shall issue permit to waste operators who satisfy such requirements as to technical and financial capability as it shall stipulate upon payment of the prescribed fees in the approved fees and charges.

Waste Operators

(2) The County Government shall determine categories of waste operation for which an application may be made and may from time to time alter such categories.

(3) An application for a waste operator's permit shall be made on an application form provided by the County Government and shall include information about the technical and financial capability of the applicant to provide the services specified in the application.

(4) Where the County Government receives an application it shall publish the fact of the application in one newspaper with a circulation within the County and shall provide members of the public who inquire with details of the application. The County Government shall take into account such representations as it receives within twenty-eight days of the publication of the application.

(5) Any person who, in an application for a waste operator's permit makes any statement which he knows to be false or reckless in any material fact shall be guilty of an offence under this Act.

(6) A waste operator's permit shall include such terms and conditions as the County Government sees fit to specify in the permit including a description of the activities which may be undertaken under the permit; the duration of the permit; the supervision by the holder of the permit of activities to which the permit relates.

(7) The County Government shall from time to time

review the performance of waste operators and may suspend or cancel a waste operator's permit if the permit holder has breached the terms and conditions of the permit or has been guilty of negligence in managing waste whose management is authorized by the permit; or if there is some other reason which, the County Government seems to justify such action.

(8) The County Government may on its own initiative, or on the application of the permit holder, modify the terms and conditions of the permit but any such modification shall be of no force and effect unless published in a local daily and representations from members of the public dealt with as if it were a new application.

(9) Where it appears to the County Government that the continuation of activities to which a waste operator's permit relates is causing or would cause pollution of the environment, danger to the public health or serious detriment to the amenity of the locality affected by the activities and the pollution, danger or detriment cannot be avoided by modifying the conditions of the permit the County Government may revoke the permit with effect from a specified date after serving notice on the permit holder and hearing any representations that the permit holder may wish to make as to why the permit should not be revoked.

(10) The holder of a permit may transfer the permit to another person but such a transfer shall be of no force and effect until the County has notified the holder that it does not object to the proposed transfer and upon payment of the prescribed fees in the approved fees and charges.

(11) The holder of a permit may relinquish the permit by giving notice to the County Government that he or she no longer requires the permit and delivering the permit to the County Government. Relinquishment shall be of no force and effect until the permit holder receives notification that the County Government does not object to the relinquishment and in any case shall not absolve the permit holder from any liabilities or obligations whether civil or criminal incurred during the period when he or she held the permit.

448. (1) It shall be an offence for any person who is not a registered transporter of solid waste or a permit holder in the course of any business of his or otherwise with a view to profit, to transport any solid waste within the County unless he belongs to a category of transporters who have been exempted by the County Government from registration.

Waste transporters.

(2) The County Government shall make provision for the registration of waste transporters. Applicants shall provide information regarding their physical address and their financial and technical capability to transport waste.

(3) The County Government may require registered waste transporters to execute a bond as a condition for registration.

(4) In determining whether it is desirable for any individual to be or to continue to be authorized to transport waste, the County Government shall have regard, in a case in which a person other than the individual has been convicted of an offence under this Act, to whether that individual has been party to the carrying on of business in a manner involving the commission of an offence under this Act.

(5) The County Government may revoke the registration of a person who has been convicted of an offence under this Act.

(6) If it appears to a duly authorized officer of the County Government that any waste is being or has been transported in contravention of this Act he or she may, in the presence of a police officer, stop any person appearing to him or her to be or to have been engaged in transporting that waste and require that person to produce his or her authority or, as the case may be, his or her employer's authority, for transporting that waste and search any vehicle that appears to him or her to be a vehicle which is being or has been used for transporting waste.

(7) For the purposes of sub-section (6) of this Act a person's authority to transport waste is his or her certificate of registration as a transporter of waste or a certified copy thereof or evidence that he or she is not required to be registered as a waste transporter.

449. (1) The County Government shall maintain a register containing prescribed particulars of all waste operator's permits and registrations of transporters which are for the time being in force.

Registers.

(2) The County Government shall ensure that the register is open for inspection at its principal office by members of the public free of charge at all reasonable hours.

(3) The County Government shall accord members of the public reasonable facilities for obtaining, on payment of reasonable charges, copies of entries in the register.

450. (1) It shall be the duty of the County Government to arrange for the collection, treatment and disposal of, or otherwise dealing with, all domestic waste and street and other litter generated or otherwise arising within the County and to take all necessary and reasonably practicable measures to maintain all places falling within the County in a clean and sanitary condition at all times.

Collection

(2) For the purposes of carrying out its duty under subsection (1) the County Government may enter into such agreements with third parties as it deems appropriate including contracts, franchises, and concessions.

(3) It shall be the duty of the person who generates trade waste or on whose premises trade waste otherwise arises to arrange for the collection, treatment and disposal of all trade waste generated by him and to take all necessary and reasonably practicable measures to ensure that the trade waste is not released into the environment so as to cause pollution thereof.

(4) It shall be the duty of every occupier and every owner of premises wherein any hazardous waste or clinical waste is generated, to make suitable arrangements, including the separation of such waste from other non-hazardous waste or non-clinical waste, to the satisfaction of the County Government, for the proper management of the waste and in doing so shall comply with any directions issued by the County Government.

(5) It shall be the duty of every occupier and every owner of premises wherein bulk waste is generated to

make suitable arrangements for the disposal of such waste and in doing so shall comply with any directions of County Government.

(6) Every occupier or tenant of any residential dwelling shall provide and maintain, to the satisfaction of the County Government, a container for domestic waste of a sufficient size, and fitted with a good and effective lid and shall daily cause to be placed within such container the domestic waste from the said residential dwelling in so far as the said container shall be sufficient to contain the same;

(7) Every occupier and /or tenant of any trade premises shall provide and maintain to the satisfaction of the County Government a container for trade waste of a sufficient size, and fitted with a good and effective lid, and shall daily cause to be placed within such container the trade waste from the said premises in so far as the said container shall be sufficient to contain the same.

(8) If it appears to the County Government that there is likely to be situated on any premises in its area trade waste of a kind or in quantities which, if the waste is not stored in containers of a particular kind, is likely to cause a nuisance or to be detrimental to the amenity of the locality in which the premises are situated the County may, by notice served on the occupier, require him or her to provide at the premises, containers for the storage of such waste which are of a kind and number reasonably specified in the notice.

(9) Occupiers of domestic and trade premises shall separate waste which can be recycled and place them in a different container provided by the County or the waste operator as the case may be for the purpose.

(10) It shall be an offence against this Act to burn, throw away, or otherwise dispose of domestic and trade waste other than by handing it to, or where there is an arrangement to that effect, leaving it at an appropriate place and in an appropriate container, for collection by a licensed waste manager operator or a registered waste transporter.

451. (1) Waste shall be disposed off only in permitted Disposal.

disposal areas or at an approved disposal facility.

(2) It shall be the duty of the County Government to provide places at which to deposit waste before it's transferred to a place for its final disposal and places at which to dispose of waste and plant and equipment for processing it or otherwise disposing of it.

(3) The County Government may permit another person to use facilities provided by it with or without a charge as may be appropriate.

(4) The person in charge of the waste disposal facility and the person delivering waste to the facility shall maintain a record of all waste loads disposed off at the facility. The record shall take the form of a delivery note signed by both parties at the time of disposal of each load. The records shall be kept for a period of five years and shall be availed to the County Government on request within that period.

(5) Waste delivered to a permit holder shall be his or her responsibility to him or her to deal with it under this Act.

(6) No person shall sort over or disturb anything deposited at a place provided or approved by the County Government for the deposit of waste or in containers for waste provided by the County Government or other person unless he or she is authorized to do so by the County Government or unless she or he is a person entitled to the custody of the container or is authorized to do so by such a person or is a person having the function of emptying the container.

(7) The County Government shall make provision for small scale resource recovery activities to be undertaken by organized groups at designated sites before disposal of waste.

(8) A permit holder may do such things as it considers appropriate for the purpose of enabling waste belonging to it to be used again or enabling substances to be reclaimed from such waste and it may use, sell, or otherwise dispose of waste belonging to it or anything produced from such waste.

452. (1) The County Government shall issue directions Payments.

on waste collection charges. The directions shall specify the amount of charge or charges to be imposed for different categories of services or for services in different localities or zones within the County; the mode of payment and receipt of the charges; and provisions as to the penalty or penalties for failure to pay the charges.

(2) Directions on charges or waste management services may provide for the imposition of a levy to meet the costs of general cleansing but any such levy must be itemized separately on the waste bill or other invoice and must be placed by the collector in a dedicated fund.

(3) Charges shall be collected by the person who provides the waste management services for which the charge is being levied.

(4) There shall be paid by every person or entity to whom a waste management service is provided, a waste charge imposed in accordance with the directions issued by the County Government.

(5) The County Government hereby imposes the waste charges in the approved fees and charges.

453. The County Government shall establish and implement a system of monitoring, inspections and enforcement of waste management activities and shall inform and keep the public informed of steps it is taking to implement and improve waste management within the County.

Enforcement.

(2) Any officer or agent of the County Government duly authorized in that behalf, may at all reasonable times, enter any residential dwelling or trade premises within the County for the purposes of conducting any inspection, inquiry or the execution of works under the provisions of this Act.

(3) In addition to such penalties for non-payment as may be stipulated in the directions issued by the County Government for non-payment of charges for waste management services, any waste management charge payable under this Act shall be a debt due and owing to the collector and may be recovered as a civil debt at the instance to the collector or any person authorized by the

collector to collect on its behalf.

(4) Any power or function conferred on the County Government under this Act may be exercised or performed by a third party pursuant to an agreement between the County Government and the third party and will be deemed to have been exercised or performed under the authority of this Act.

454. Any person who refuses or fails to comply with any provision of this Act Part or gives false information in relation to any requirements of this part shall be liable to a fine not exceeding five thousand shillings in respect of a first offence and not exceeding seven thousand shillings in respect of a second or subsequent offence, or imprisonment for a term not seven months in respect of the first offence and not exceeding nine months in respect of a second or subsequent offence or both.

Offences and
Penalties

PART XXX—FILM MAKING CULTURAL EVENTS AND ENTERTAINMENT

455. Any person operating a cinema, video shows and hiring as a business or occupation shall make an application to the Authorized Officer for a business permit.

Cinemas, video
shows and hiring

456. (1) The County Government shall charge such permit fees for operating such cinemas, video shows and hiring as prescribed in the approved fees and charges.

Fees

(2) Any person who operates a cinema, video shows or hiring without the permit or payment of the permit fees shall be guilty of an offence under this Part.

457. The County Government shall—

Promotion of
cultures and cultural
heritage.

- (a) promote all forms of cultural expression through literature, the arts, traditional celebrations, science, communication, information, mass media, publication, libraries and other cultural heritage; and
- (b) promote the intellectual property rights of the people in the County; and
- (c) ensure that communities receive compensation or royalties for the use of their cultures and

cultural heritage.

458. Any person who fails to comply with any provision of this Part shall be liable to a fine not exceeding five thousand shillings in respect of a first offence and not exceeding seven thousand shillings in respect of a second or subsequent offence, or imprisonment for a term not exceeding seven months in respect of a first offence and not exceeding nine months in respect of a second or subsequent, offence or both.

Penalties.

PART XXXI—TRAFFIC FLOW CONTROL

459. (1) The driver of a vehicle shall at all times—

Signals and signs to be obeyed.

- (a) obey any directions given, whether verbally or by signal, by a police officer in uniform or an Authorized Officer in the execution of his or her duty;
- (b) conform to the indications given by any traffic sign;
- (c) stop his vehicle on being so required by a police officer in uniform or an Authorized Officer; or
- (d) when any person in charge of any cattle raises his or her hand or in any manner gives a signal to stop, forthwith stop his or her vehicle and keep it stationary for as long as it is reasonably necessary.

(2) Any person who contravenes or fails to comply with any of the provisions of this section shall be guilty of an offence and liable on first conviction to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding seven months, and on each subsequent conviction to a fine not exceeding seven thousand shillings or to imprisonment for a term not exceeding nine months or to both.

460. (1) No vehicle shall be allowed to remain in any position on any road so as to obstruct or to be likely to obstruct or cause inconvenience or danger to other traffic using the road, and, save where the contrary is expressly provided in this Act, every vehicle on a road when not in

Obstruction.

motion, shall be drawn up as close to the side of the road as possible.

(2) The driver of any vehicle shall, in case of a breakdown, remove the vehicle from the road as soon as possible, and until so removed the vehicle shall be placed as close to the side of the road as possible; and as the vehicle remains on the road between the hours of 6.45 p.m. to 6.15 a.m., its position shall be clearly indicated by a light or lights visible to drivers of vehicles approaching from either direction.

(3) If any part of the vehicle remains on or near the road in a position so as to obstruct or to be likely to obstruct or to cause or to be likely to cause inconvenience or danger to other traffic using the road, the driver shall place on the road not less than fifty metres from the vehicle two red reflecting triangles of such construction and dimensions as may be prescribed, one ahead of the vehicle and one behind it so that each is clearly visible to drivers of vehicles approaching from ahead or behind, as the case may be.

(4) Any person who leaves any vehicle on a road in such a position or manner or in such a condition as to obstruct other vehicles or cause or be likely to cause any danger to any person shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding eighteen months or both.

461. No person shall—

- (a) leave unattended on a road any motor vehicle with the engine running; or
- (b) leave any vehicle without having taken due precautions against its moving along the road from its stationary position.

Unattended motor vehicles

462. (1) Subject to and in conformity with such general or other directions as may be given by the Executive Committee Member responsible for transport, the County Government may cause or permit traffic signs to be placed on or near a road.

Traffic signs.

(2) Traffic signs shall be of the prescribed size, colour

and type except where the Executive Committee Member responsible for transport authorizes the erection or retention of a sign of another character.

(3) No traffic signs shall be placed on or near any road except under and in accordance with sub-section (1) and (2) above.

(4) All traffic signs shall be deemed to have been lawfully erected until the contrary is proved.

(5) The County Government in collaboration with the highway authority may, by notice in writing, require the owner or occupier of any land on which there is any traffic sign or any object which so closely resembles a traffic sign that it might reasonably be taken to be such a sign to remove it, and if any person fails to comply with such a notice the highway authority may effect the removal, doing as little damage as may be, and may recover as a civil debt recoverable summarily from the person so in default the expense incurred in so doing:

Provided that this subsection shall not apply in the case of any sign or object so long as its retention is expressly authorized by the highway authority.

463. Any person who contravenes or fails to comply with any of the provisions of this Part shall be guilty of an offence and liable on first conviction to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding seven months, and on each subsequent conviction to a fine not exceeding seven thousand shillings or to imprisonment for a term not exceeding nine months or to both.

Offences and penalties.

PART XXXII—ENVIRONMENT AND LITTERING

464. (1) Every person within the County is entitled to a clean and healthy environment and has a duty to safeguard and enhance the environment.

Right to clean environment.

(2) If a person alleges that the entitlement conferred under sub clause (1) has been, is being or is likely to be contravened in relation to him, then without prejudice to any other action with respect to the same matter which is lawfully available, that person may apply to a subordinate

court for redress and the subordinate court may make such orders, issue such writs or give such directions as may deem appropriate to—

- (i) compel any officer duly appointed by the County Government to take measures to prevent or discontinue any act or omission deleterious to the environment;
- (ii) prevent, stop or discontinue any act or omission deleterious to the environment;
- (iii) require that any on-going activity be subjected to an environmental audit in accordance with provisions of this Act and any other relevant written law;
- (iv) compel the persons responsible for the environmental degradation to restore the degraded environment as far as practicable to its immediate condition prior to the damage; or
- (v) provide compensation for any victim of pollution and the cost of beneficial uses lost as a result of an act of pollution and other losses that are connected with or incidental to the foregoing.

(3) A person proceeding under subsection (2) of this section shall have the capacity to bring an action notwithstanding that such a person cannot show that the defendant's act or omission has caused or is likely to cause him or her any personal loss or injury provided that such action—

- (a) is not frivolous or vexatious; or
- (b) is not an abuse of the court process.

(4) In exercising the jurisdiction conferred upon it under sub clause (2), the High Court shall be guided by the following principles of sustainable development—

- (a) the principle of public participation in the development of policies, plans and processes for the management of the environment;
- (b) the cultural and social principles traditionally

applied by any community in County for the management of the environment or natural resources in so far as the same are relevant and are not repugnant to justice and morality or inconsistent with any written law;

- (c) the principle of inter-county co-operation in the management of environmental resources shared by two or more Counties;
- (d) the principles of intergenerational and intra generational equity;
- (e) the polluter-pays principle; and
- (f) the pre-cautionary principle.

465. The Director of Environment, Deputy Director of Environment or any other duly appointed officer by the County Government shall be the authorized officer for the purpose of enforcing the provisions of this Part.

Appointment of environmental officers.

466. (1) An environmental or authorized officer shall—

Duties of environmental officers.

- (a) monitor compliance with the environmental standards established under this Act or other relevant written law;
- (b) conduct environmental audits; and
- (c) perform such other functions as may be required under this Act or relevant written law.

(2) An environmental officer may, in the performance of his duties under this Act, at all reasonable times and without a warrant—

- (a) enter any land, premises, vessel, motor vehicle or ox-draw trailer and make examination and enquiries to determine whether the provisions of this Act are being complied with;
- (b) require the production of, inspect, examine and copy licences, registers, records and other written laws relating and, as may be prescribed, submit such samples for test and analysis;
- (c) carry out periodic inspections of all establishments and undertakings within their

respective jurisdictional limits which manufacture, produce as by-products, import, export, store, sell, distribute or use any substances that are likely to have significant impact on the environment, to ensure that the provisions of this Act are complied with;

- (d) seize any article, vessel, motor vehicle, plant, equipment, substance or any other thing which he reasonably believes has been used in the commission of an offence under this Act;
- (e) with the written approval of the Director of Environment order the immediate closure of any manufacturing plant or other establishment or undertaking which is causing or is likely to cause in his opinion significant pollution to the environment;
- (f) to require the owner or operator of such establishment of undertaking to implement any remedial measures that the environmental officer may direct;
- (g) any establishment or undertaking closed down under this paragraph may resume its operations only with the written approval of the Director of Environment upon compliance;
- (h) with the approval of the Director of Environment issue an improvement notice requiring the owner or operator of any manufacturing plant, vessel, motor vehicle or other establishment or undertaking to cease any activities deleterious to the environment and to take appropriate remedial measures, including the installation of new plant and machinery if necessary, within such reasonable as the County Government may determine;
- (i) with or without an arrest warrant and with the assistance of a County Enforcement Officer or a Police Officer, arrest any person whom he reasonably believes has committed an offence under this Act; or

- (j) install any equipment on any land, premise, vessel or motor vehicle for purposes of monitoring compliance of this Act.

467. The Director of Environment, Deputy Director of Environment, Environment Officer, Cleansing Superintendent, Public Health Officer, Public Health Technician or any other person generally or specially authorized in writing by the County, may at any hour reasonable for the proper performance of his duty, enter any land or premises to make any inspection, inquiry, investigation or to perform any other work or so anything which is required or authorized by this Act or any other law to do if such inspection, inquiry, investigation or work is necessary for or incidental to the performance of the duties or the exercise of his or her powers.

Power of entry

468. Any person who—

- (a) hinders or obstructs an environment officer in the exercise of his or her duties under this Act;
- (b) fails to comply with a lawful order or requirement made by an environmental Officer in accordance with the Act;
- (c) refuses an Environmental Officer entry upon any land or into any premises, vessel or motor-vehicle which he is empowered to enter by this Act or other written law;
- (d) impersonates an Environmental Officer;
- (e) refuses an Environmental Officer access to records or documents kept pursuant to the provisions of this Act or any written law;
- (f) fails to state or wrong states his or her name or address to an Environmental Officer in the cause of his duties under this Act;
- (g) misleads or gives wrongly information to an Environmental Officer under this Act; or
- (h) fails, neglects or refuses to carry out an improvement order issued under this Act, commits an offence and shall be liable to a fine of not more than twenty thousand shillings or

Offences related to inspection.

in default to imprisonment for a term not exceeding six months or to both.

469. (1) The County Government shall provide litter baskets or bins for the disposal of litter in the streets and public places.

Provision of street litter bins

(2) Any person who tampers with a litter bin, dustbin, bulk container or any other refuse receptacle shall be guilty of an offence.

470. Any person who throws or causes litter to be thrown in the street, or public litter disposal places or deposits or otherwise disposes off litter in any place other than the litter baskets or bins provided, shall be guilty of an offence.

Prohibition against littering.

471. Any person guilty of an offence under the provision of preceding sections shall be liable on conviction to a fine not exceeding Five Thousand Shillings or in default to an imprisonment for a term not exceeding six seven months or to both.

Penalties

PART XXXIV ENFORCEMENT PROVISIONS

472. The County may from time to time by notice to holder thereof, cancel a licence or permit for contravention of any of the terms and conditions thereof or any of the provisions of this Act or where in its opinion the continued display of any advertisement device would likely to affect injuriously the amenities of, or to disfigure any neighbourhood or for any other reason, the County.

Cancellation of licenses and permits.

473. The County may from time to time by notice to holder levy a penalty to a holder of a licence or any other person who is in breach of any provisions of this Act.

Penalties to permit holders and licences.

474. In addition to the offences under the different Sections of this Act, if the person without lawful authority—

Offences.

- (a) operates a business within the County without a valid business licence or permit;
- (b) erects, fixing, placing, maintaining, displaying or using or permitting to be erected, fixed, placed, maintained displayed or used, any advertisement or advertising device without a permit or otherwise than in accordance with the

- terms and conditions of a permit;
- (c) operates outside the designated trading area or premises;
 - (d) defaces any building by writing, signs or other marks;
 - (e) cuts, or permits to be cut a tree in any property whether (private or public) without a permit issued by the County;
 - (f) loiters on any County property other than a street or residential property, without lawful authority;
 - (g) drives or permits to be driven any vehicle so loaded that its contents or any part thereof spill on to the surface of a street shall be guilty of an offence.
 - (h) discharges a missile in a manner likely to cause damage to property or danger to any person;
 - (i) participates in or authorizing the breaking up of the surface of a public street, without the permission of the County Chief Engineer,
 - (j) deposits or causes or permits to be deposited any soil, vegetation, refuse or debris on any land in the County;
 - (k) being in connection with any building, demolition or road construction work, cause or suffer to be caused any unnecessary noise so loud or so continuous or repeated as to cause an annoyance to occupants of any premises in the neighbourhoods;
 - (l) being in any part of the town other than the industrial or light industrial zones as specified in any laws of the County for the time being in force, in connection with any trade or industrial process cause or suffer to be caused any noise so loud or so continuous or so repeated as to cause annoyance to the occupants of any premises in the neighbourhoods;
 - (m) intentionally or recklessly obstructs or hinders a person while that person is acting in performance or exercise of the person's

functions or powers under this Act;

- (n) makes any statement or declaration, or gives any information or certificate, lawfully required by or under this Act knowing it to be false or misleading in material or respect;
- (o) dwell in the parks or be in the parks beyond the specified times;
- (p) fails to pay fees, charges, penalties contrary to the provisions of this Act;
- (q) fails to keep or display licences or permits at conspicuous place of business;
- (r) transfers business premises licence or permit for purposes of undertaking business in non-designated or permitted area;
- (s) constructs, or permits the construction of a sewer connection otherwise than in accordance with this Act; or
- (t) commits any other offence not covered in this Section but is covered under other sections in this Act.

475. Unless otherwise stated in this Act Any person who contravenes the provisions of this Act shall be liable to a fine not exceeding five thousand shillings in respect of a first offence and not exceeding seven thousand shillings in respect of a second or subsequent offence, or imprisonment for a period not exceeding seven months in respect of a first offence and not exceeding nine months in respect of a second or subsequent, offence or both.

Penalties.

FIRST SCHEDULE—DESIGNATED PARKING AREAS**MAVOKO TOWN****Road/Building****A. Pepe-Makadara Road**

- 1) Stadium view business centre frontage
- 2) Nyambura -Sulami supermarket frontage
- 3) Box in restaurant frontage
- 4) Green Mount plaza and Equity Auto branch
- 5) Starehe Butchery frontage (County's open plot)
- 6) Little Rock restaurant frontage
- 7) Frontage of the CDF office
- 8) The frontage of building up to the Pepe junction
- 9) 24 hours clinic frontage
- 10) Makadara EPZ Road
- 11) Road shoulders before matatu stage
- 12) Kivutuni wines and spirits frontage
- 13) Mzee Pauranha Road
- 14) Nzambuni 1900 Woodstock frontage
- 15) All areas adjacent along the Mzee Pauaranha road
- 16) Pepe -Shell Road
- 17) Existing barter market space when modern market complete
- 18) Mlolongo-Mombasa Road
- 19) Old Mombasa road from barriers (Mlolongo main) both sides
- 20) View point pub
- 21) All area opposite Mlolongo public bus park
- 22) Around Bamburi, new hospital and Namanga junction
- 23) Kyumbi shopping centre
- 24) Joska shopping centre
- 25) Kinanie shopping centre
- 26) Githunguri shopping centre

MACHAKOS

- 1) All that part of central area bounded by Kangundo road, Rashid Road, Kitui road, Mulu Mutisya Highway, Konza road, Mackenzie, Nthula road, Ngei road and Nairobi road.
- 2) All that area along Syokimau, Kitui road.
- 3) All that area of retail market, Uhuru Market, wholesale market, Lukindo Road, along Mbolumalu Park, around Bus Park and Mulu Mutisya

- 4) Masii
- 5) Mbiuni
- 6) Kivaa
- 7) Miu
- 8) Kithyoko
- 9) Kathiani
- 10) Mitaboni
- 11) Vyulya

KANGUNDO SUB –COUNTY

Kangundo town

MATUNGULU SUB COUNTY

Tala town

MATUU

- 1) Matuu town
- 2) Kithimani
- 3) Sophia

SECOND SCHEDULE—TAXI CAB PERMIT

COUNTY FINANCE ACT 2014

TAXI-CAB PERMIT

No.....

Permit is hereby granted to

Of.....

To ply for hire with taxi-cab hereunder described, in accordance with provisions of the County Finance Act, 2014

Make of vehicle.....

Registration number.....

Maximum number of passengers.....

Subject to the provisions of the said Act, this Taxi Cab permit expires on 31st December,

Date.....

.....
For: Accounting/Authorized Officer, Machakos County Government.

The permit is only valid if a machine receipt is printed below

**THIRD SCHEDULE—TAXI CAB DRIVER’S PERMIT
MACHAKOS COUNTY GOVERNMENT
FINANCE ACT 2014
TAXI-CAB DRIVER’S PERMIT**

Permit is hereby granted to

of.....

To drive a taxi-cab in the Machakos County in accordance with the County Finance Act, 2014

Subject to the provisions of the said Act, this permit expires on the 31st December

Photograph

Date.....

.....
For Accounting Officer, Machakos County Government

This permit is only valid if a machine receipt is printed below.

**FOURTH SCHEDULE TAXI—CAB DRIVER PERMIT
REQUIREMENTS**

An applicant for a taxi-cab driver’s permit under this Act must—

- (1) Have a thorough knowledge of the tariff of fares authorized for the time being Section 264 of Act.
- (2) Have a thorough knowledge of routes, places and distances within the County and of the Traffic Act and relevant rules and the provisions of this Act.
- (3) Be able to understand English, or Swahili and read and write numbers in English or *Swahili*.
- (4) Be at least 21 years of age.
- (5) Produce testimonials of good conduct from two responsible persons, who have known him for a period of at least 12 months.
- (6) Produce a medical certificate that he is free from infirmity of mind and body.
- (7) Produce two copies of passport size photograph as a means of identification.
- (8) Produce a current Kenyan driving licence valid for the type of vehicle to be used as a taxi-cab.
- (10) Certificate of good conduct.

FIFTH SCHEDULE—APPLICATION FOR THE GRANT /RENEWAL OF PERMIT

MACHAKOS COUNTY GOVERNMENT

FINANCE ACT 2014

APPLICATION FOR THE GRANT / RENEWAL* OF A PERMIT

No.

1. I applicant's name
2. Name under which business is / is to be* carried on.....
.....
3. If business is a partnership, give full names and addresses of all partners.....
4. Is business registered under the Registration of Business Names Act? If so, give date and registration No.
.....
5. Address at which business is / is to be* carried or: P. O. Box Plot No.....
or L.R. No..... in.....
Road / street*
6. Give precise description of premises to which permit is to apply Is there a stockroom? If so, where?.....
7. State if applicant is (a) resident in Kenya.....
..... or (b) an un-discharged bankrupt.....
8. *State number and date of previous permit..... *or date on which it is desired to begin trading
.....
9. Permit is required to run from to.....

I certify that the particulars given above are true and correct.

Date

Signature of applicant

**Delete where not applicable.*

(Reverse of Application Form)

FOR OFFICIAL USE ONLY

1. To Health Inspector for inspection and comment—

Date

.....
Permit Officer

2. To Medical Officer of Health with my comment as follows:-

Date

.....
Health Inspector

3. To Accounting Officer with my recommendations as follows:-

Date

.....
Medical Officer of Health

4. To permit Officer:-

Permit may /may not be granted.

Conditions (if any)

.....
Date

.....
Accounting Officer

5. Permit issued No..... Date

.....
Permit Officer

SIXTH SCHEDULE CHARGES FOR FIRE SERVICES

MACHAKOS COUNTY GOVERNMENT

FINANCE ACT 2014

Charge for Fire Services

For purposes of this Part the following charges are hereby classified as follows—

i. Fees and charges

- (a) Fire protection measure per visit factory Kshs. 1,600
- (b) Commercial and industrial premises Kshs. 1,600
- (c) Boarding houses and public buildings Kshs. 1,600
- (d) petrol stations Kshs. 1,600
- (e) Premises storing dangerous inflammable materials Kshs. 2,100
- (f) Annual inspection petroleum tanker Kshs. 2,100

The fees and charges are exclusive of transportation of officer to and from station.

2. <u>Special Services Other than Fire Fighting</u>	
(a) Standby against fire risk (per hour)	Kshs. 1,100
(b) Pumping out flooding (per hour)	Kshs. 1,600
(c) Binding of delivery hose compiling labour	Kshs. 600
(d) Binding of delivery hose compiling material	Kshs. 1,100
(e) Training of private personnel (fireman) Per day for a class of 15 people	Kshs. 22,000
(f) inspection of fire extinguisher (Excluding refill per extinguishers)	Kshs. 600
(g) Hire of ladder per day or part thereof	Kshs. 2,100
(h) Hire of van or requested inspection	Kshs. 2,100
(i) Inspection of fire extinguisher (Excluding refill per extinguisher)	Kshs. 600
(j) Hire of ladder per day or part thereof	Kshs. 2,100
(k) Hire of van or requested inspection	Kshs. 2,100
(l) Fire fighting lecture at public institutions within Machakos County two hour session	Kshs. 10,000
(m) Sale of water with County's water tanker for non Domestic use	Ksh. 5,000
(n) Sale of water with water tanker (owner)	Kshs. 3,100
(o) Hire of one hose length per day or part of thereof	Kshs. 600
(p) Inspection Hydraulic test of dry and wet risers (Per inspection)	Kshs. 5,000
(q) Issue of fire clearance certificate	Kshs. 2,100
(r) Annual license for installation and service of fire Extinguisher	Kshs. 7,000
1. <u>Fire vehicles</u>	
(a) Turn out fee	Kshs. 1,200
(b) For each proceeding hour or part thereof	Kshs. 1,000
(c) Kilometre covered (per kilometre)	Kshs. 50
(d) Portable plump turn out fee including transport	Kshs. 2,100
(e) For each proceeding hour or part there of	Kshs. 600
2. <u>Fire personnel attendance</u>	
(a) Chief Fire Officer	
First hour of attendance	Kshs. 1,500
Each proceeding hour or part there of	Kshs. 1,000
(b) Assistant Chief Fire Officer	
First hour of attendance	Kshs. 1,100

No. 4

Machakos County Finance

2014

Each proceeding hour or part there of	Kshs.	800
(c) Station Officer and other ranks		
First hour of attendance	Kshs.	800
Each proceeding hour or part there of	Kshs.	600

SEVENTH SCHEDULE—APPLICATION FOR SUPPLY OF WATER

MACHAKOS COUNTY GOVERNMENT

FINANCE ACT 2014

APPLICATION FOR SUPPLY OF WATER

Accounting/Authorizing Officer,
County Government of Machakos,
P.O. Box 1996,

MACHAKOS

I

(Full name in block letters)

Of.....

Hereby make application for a supply of water in plot No.....TownSub locationoccupied by me for the purpose of (State whether for residential, business or agricultural purpose, and if for business State the nature of business).

I understand that this application is subject to the provisions of the County Government of Machakos (Control of Water Supplies) Act 2014.

Yours faithfully,

.....

(Signed)

Application accepted/rejected for and on behalf of the County Government of Machakos

.....

(Signature of authorized Officer)

Made thisday of2014

By order of the County Government of Machakos.

.....

Accounting/Authorized Officer

EIGHTH SCHEDULE—FEES AND CHARGES

COUNTY GOVERNMENT OF MACHAKOS

SCHEDULE FOR FEES AND CHARGES 2014				
PART	DESCRIPTION	URBAN	PERI URBAN	RURAL
1	HAWKING	KSh.	KSh.	KSh.
	Small scale Hawker permit per month	750	600	450
	Water Hawking per month	10000	8000	5000
	Water hawking per year	100000	90000	40000
	Individual Hawker per day	40	30	20
	Motorised Hawkers			
	Motorised Hawkers per day with:			
	Tuktuk/Maruti	300	200	200
	Pickup/Nissan	600	500	400
	Pickup extended body	800	600	500
	Canter	1000	800	600
	Lorry	1500	1000	700
	Permit per month	1000	1000	1000
	Permit Per year	8000	8000	8000
2	PUBLIC LAVATORIES			
	Public toilet lease per year			
	Pit latrine	30,000	30,000	10,000
	Modern toilet	60,000	60,000	20,000
	Permit of Mobile toilet per day	500	300	200
3	NON-MOTORIZED TRANSPORT			
	Bodaboda (Bicycle) permit per day	-	-	-
	per month	-	-	-
	per year	-	-	-
	Hand carts per month	150	150	150
	Ox-cart(Donkey) p.m	100	50	50
	Bodaboda-Motorcycle			
	Permit per day	30	20	20
	permit per month	300	200	200
	Permit per year	3000	2000	1500
4	SAND HARVESTING/CESS			
	Sand transportation permit per 7 tonne Lorry per month	40,000	40,000	40,000
	Sand transportation permit per 8 tonne Lorry per month	45,000	45,000	45,000
	Sand transportation permit above 8 tonne Lorry per month	70,000	70,000	70,000
	Sand transportation permit-Semi trailer p.a	150,000	150,000	150,000
	Penalty on default of sand removal/carriage permit	50% of sand permit	50% of sand permit	50% of sand permit
	Sand yard or sand deposit business other than transporting element of the business			
	Application fee per year	5000	5000	5000
	Permit per month	10000	10000	10000
	Permit per 6 months	50000	50000	50000
	Permit per year	80000	80000	80000

SCHEDULE FOR FEES AND CHARGES 2014				
PART	DESCRIPTION	URBAN	PERI URBAN	RURAL
	Red soil permit per lorry(8 Tonne)	10000	10000	10000
5	PUBLIC MARKETS AND STALLS			
	Bow & arrow	5	5	5
	Bow	3	3	3
	Arrow	3	3	3
	Quiver	3	3	3
	Cereals per bag (90 kg)(Dry Food stuffs)			
	Maize	60	50	20
	Rice	60	50	20
	Ndengu	60	50	20
	Njugu	60	50	20
	Black Beans(njahi)	60	50	20
	Peas	30	30	20
	Beans	30	30	20
	Produce & vegetable per bag(90 kg)- Wholesale			
	Carrots	50	40	30
	Onions	60	40	30
	Green vegetables	40	30	20
	Green Maize	40	25	20
	Pumpkins	50	20	20
	Yams	60	20	20
	Sweet potatoes	30	25	20
	Cabbage	30	25	20
	Cassava	30	25	20
	Potatoes	30	25	20
	Green maize	150	50	30
	Arrow roots	30	25	20
	Sukuma wiki per 90kgs bag	40	30	20
	Spinach	40	30	20
	Cauli Flower	40	30	20
	Cucumber	40	30	20
	Dhania per kg	40	30	20
	Pili Pili Hoho per bag	30	20	20
	Spices per bag	30	20	20
	Butter nuts per bag	40	30	20
	Congent per bag	40	30	20
	Chilly (pilipili Kali) per bag	30	20	10
	Tomatoes Small crate	30	20	20
	Tomatoes Medium crate	40	30	20
	Tomatoes Large crate	50	40	30
	Extended 90kgs bags(Wholesale)			
	Green maize	50	40	30
	Green vegetables	50	40	30
	Carrots	60	50	40
	Potatoes	40	30	20
	Sukuma wiki per extended bag	50	40	30
	Pumpkin per extended bag	60	30	30
	Green Peas	50	40	30
	Sweet potatoes per extended bag	40	30	20

SCHEDULE FOR FEES AND CHARGES 2014				
PART	DESCRIPTION	URBAN	PERI URBAN	RURAL
	Fruits per bag(Wholesale)			
	Oranges	30	25	20
	Pawpaw	30	25	20
	Passion	30	25	20
	Citrus	30	25	20
	Tomatoes	30	25	20
	Horticultural (Misanzi)	30	25	20
	Bananas (sweet)	30	25	20
	Mangoes	30	25	20
	Onions small net (6kgs)	30	25	20
	Onions big net (13kgs)	40	30	25
	10 Sugarcane bundle	30	20	5
	10 Cassavas	30	25	20
	Bananas per bunch	30	20	10
	Water melon per tonne	700	500	400
	Avocados per bag	50	40	20
	Avocados per extended Bag	70	50	40
	Mangoes per extended bag	50	40	30
	Sisal strings	30	25	10
	20 ropes	30	25	20
	Miatine	30	25	20
	Polythene bags	30	25	20
	Chondo (traditional basket)	30	20	20
	Mat	30	20	20
	Pot	30	20	20
	Tray of eggs	30	25	25
	Chicken, quails, birds etc	20	10	10
	Fish Monger hawking per day	20	20	20
	Fish traders using Pick ups per day	200	200	200
	Tin of spices	20	15	10
	Seedlings	20	10	5
	Tin of ghee	20	10	10
	Tin of sour milk (Kikuyu)	30	20	20
	1-5kg of jigger sugar (ngulu)	30	25	20
	Hides per piece	30	30	30
	Skin per piece	30	20	15
	Snuff ¼ tin	30	20	20
	Bag of charcoal	40	40	40
	Banana per bunch	30	10	10
	Vegetable seller outside market paid daily	40	20	10
	Bicycle repairs per day	30	30	20
	Shoe shiners per day	30	30	20
	Hardware (mali) per day	60	30	20
	Shoe seller per day	60	30	20
	New and second hand clothes per day	100	60	50
	Seller using vehicle			
	1/2 ton	200	150	150
	1 ton	300	200	200
	2 ton	400	300	300
	4 ton	500	400	400

SCHEDULE FOR FEES AND CHARGES 2014				
PART	DESCRIPTION	URBAN	PERI URBAN	RURAL
	Over 4 ton	800	600	500
	Cabbages			
	½ ton	300	250	250
	1 ton	400	300	300
	2 ton	500	400	350
	4 ton	600	500	400
	Over 4 ton	1000	800	600
	Stock fees per head:			
	Cattle, donkey, camel	80	80	80
	Goats, sheep, pigs	30	30	30
	Livestock Brokers per year	2500	2500	2500
	Livestock traders other than Brokers per year	3500	3500	3500
	Movement permit per head:			
	Cattle, donkey, camel	100	100	100
	Goats, sheep, pigs	50	50	50
	Njugu	50	30	20
	Camel	200	200	200
	Chicken	20	20	20
	Farm Produce inspection fees(CESS):Per 90kgs bag			
	Beans	30	20	20
	Mangoes	60	30	30
	Ndengu	60	40	30
	Oranges	60	40	30
	Pawpaw	60	40	30
	Black beans (njahu)	60	30	30
	Water melons	80	50	30
	Cabbages	30	30	20
	Cassava	60	40	30
	Arrowroots	30	30	20
	Pumpkins	30	30	20
	Green vegetables	40	30	20
	Charcoal	30	20	20
	Maize (dry)	40	30	20
	Maize (green)	60	40	30
	Onions (leafy)	60	40	30
	Potatoes	60	40	30
	Carrots	30	30	30
6	RENTAL HOUSES			
	Application for rental house	500	500	500
	Member of staff			
	1 bedroom (Ngei estate)	2000	-	-
	1 bedroom (St. Mary estate)	2000	-	-
	Non-Staff (Ngei estate)			
	Snr Staff houses	4000	-	-
	Makadara - With Kitchen	2,000	-	-
	Makadara- without Kitchen	1100	-	-
	Mavoko NHC		-	-
	1 bedroom	3,000	-	-

SCHEDULE FOR FEES AND CHARGES 2014				
PART	DESCRIPTION	URBAN	PERI URBAN	RURAL
	2 bedroom	4,000	-	-
	Semi-permanent	-	1000	-
	St. Mary's			
	1 bedroom	-	1500	-
	2 bedroom	-	3000	-
	Stall rent	1500	1200	1000
	Application for market stall	1000	1000	1000
	Bus park per month	1500	-	-
	Ngei complex stalls p/month	1500	-	-
	New market per month	1100	-	-
	Council stalls(Main market)p/m			
	New Ukwala per month	1500	-	-
	Old Ukwala per month	1500	-	-
	Old market stalls p.a	500	-	-
	Small	2000	-	-
	Medium	3000	-	-
	Large	4700	-	-
	Mitumba stalls p/m	4200	-	-
	Zone A			
	Small	50	-	-
	Medium	190	-	-
	Large	210	-	-
	Zone B	250	-	-
	Zone C	315	-	-
	Zone D	420	-	-
	Small	50	-	-
	Medium	190	-	-
	Large	210	-	-
	Mitumba security fee p/m	250	-	-
	Kiosk rent			
	Table kiosk rent p.m	100	100	100
	Kiosk rent CBD p.m	200	200	200
	Kiosk rent extended p/m	100	100	100
	Penalty after 10th of any successive month	4.5% of rent	4.5% of rent	4.5% of rent
	Stall/kiosk Transfer	6,500	6,500	6,500
	Application for temporary space in the market for 'kibanda'.	2000	1000	500
	Renewal of market 'kibanda' space.	500	300	200
7	PARKS AND OPEN SPACES			
	Traditional Dance/Meeting per day	3,000	3,000	3,000
	Political rally per day	5,000	5,000	5,000
	Religious meeting per day	3,000	3,000	3,000
	Hire of stadium	20,000	20,000	20,000
	Local Matches	20% of gross gate per match	20% of gross gate per match	20% of gross gate per match

SCHEDULE FOR FEES AND CHARGES 2014				
PART	DESCRIPTION	URBAN	PERI URBAN	RURAL
	Super League	4,000	4,000	4,000
	Utility Charge	2,000	2,000	2,000
	Sports Practice by private team	800	800	800
	Political Rallies	3,500	3,500	3,500
	Hire of stadium			
	Kenyatta Stadium			
	Flagging off ceremonies	10,000	-	-
	Political rally per day	100,000		
	Traditional Dance/Meeting per day	10,000	-	-
	Religious meeting per day	10,000	-	-
	Super League	20% of Gross gate per match+20,000	-	-
	Local Matches	20% of Gross gate per match+10,000	-	-
	Other Stadium			
	Political rally per day	50,000	-	-
	Traditional Dance/Meeting per day	5,000	-	-
	Religious meeting per day	5,000	-	-
	MACHAKOS PEOPLE'S PARK			
	Machakos people's park-Entrance fee	Free	-	-
	Maruba dam boat riding per trip(capacity 4 persons)	1000	-	-
	Outside catering per day	5000	-	-
	Photography Thursday-Sunday per day/per person	500	-	-
	Private ceremony eg birthdays, graduation, retreats			
	between 1-10 persons	5000	-	-
	between 11-20 persons	10,000	-	-
	Wedding service	20,000	-	-
	Wedding Reception	20,000	-	-
	Wedding service & Reception	30,000	-	-
	Photo session per day	15,000	-	-
	Shooting Film:			
	Commercial film	150,000	-	-
	Private film	75,000	-	-
	TV Documentaries per hr	35,000	-	-
	Video shooting for 5 hrs	10,000	-	-
	Corporate events for medium sized companies(Tented)			
	Between 1-100 persons	50,000	-	-
	Between 101-200 persons	70,000	-	-
	Above 200 persons	100,000	-	-

SCHEDULE FOR FEES AND CHARGES 2014				
PART	DESCRIPTION	URBAN	PERI URBAN	RURAL
	Corporate events for medium sized companies(Not Tented)			
	Between 1-100 persons	25,000	-	-
	Between 100-200 persons	35,000	-	-
	Above 200 persons	45,000	-	-
	Cocktail Dinner			
	Between 1-100 persons	40,000	-	-
	Between 101-200 persons	70,000	-	-
	Above 200 persons	100,000	-	-
	Children games at the park per child/per day	50	-	-
	Miniature golf per round	1,000	-	-
8	DESIGNATED PARKING			
	Saloon			
	per day	50	50	50
	per Month	1,000	1,000	1,000
	per year	6,000	6,000	6,000
	Pick-up per day	50	50	50
	Lorry per day	200	200	200
	Trailer per day	500	500	500
	Canter	100	100	100
	Taxi			
	per day	50	40	40
	per week	200	200	200
	per month	1000	800	800
	per 4 months	3,000	3,000	3,000
	per 6 months	4,500	4,500	4,500
	per year	9,500	9,500	9,500
	TukTuk/Maruti per day	50	50	50
	TukTuk/Maruti per month	1,000	1,000	1,000
	Motor cycle Taxis per month	200	200	200
	Registration for Matatu/Mini bus	1,250	1,250	1,250
	TukTuk/Maruti/Motorcycle per year	500	500	500
	Clumping fee per vehicle	200	200	200
	Commercial vehicle parking per night/per day	500	500	500
	Charges for obstruction			
	Nissan	3,000	2,120	2,120
	Mini-bus	4,000	3,170	3,170
	Maruti/ Tuk Tuk	1,920	1,920	1,920
	Motorbike	1,200	770	770
	Reserved parking per single slot per year	10,000	10,000	1,000
	Obstruction including failure to remove the car from the accident scene			
	Commercial vehicle Lorries and Busses	25,000	25,000	25,000
	Other vehicles(Non commercials)	10,000	10,000	10,000
	Towing charges	market rates	market rates	market rates
	Clumping fee for saloon cars	1000	1000	-
	Clamping fee for Tuk Tuk/Maruti/	100	1000	-

SCHEDULE FOR FEES AND CHARGES 2014				
PART	DESCRIPTION	URBAN	PERI URBAN	RURAL
	Clumping fee per Lorry	500	500	500
	Clumping fee per Matatu	5000	5000	5000
	Damage of clamps	10000	10000	10000
	Permit for Fork Lift permit p.a	5000	5000	5000
9	BUILDING PLANS			
	Application fee	1,000	1,000	1,000
	Building inspection fee	4,000	3,000	2,000
	Transfer (lease hold)	6,000	5,000	5,000
	Plot transfer	8,000	6,000	5,000
	Application for Extension of lease	2,000	2,000	2,000
	Change of user	20,000	10,000	8,000
	Extension for change of user	5,000	3,000	2,000
	Extension of lease/User	20,000	10,000	8,000
	Sub lease per unit per lease	5,000	3,000	3,000
	Change of density of a building/land(per property/land)	20,000	15,000	10,000
	Closure of a street per street	10,000	10,000	10,000
	Sub-division	5,000	4,000	3,000
	Perimeter fencing	5,000	3,000	2,000
	Boundary wall -1/4 Acre and below	5000	3000	2000
	Boundary wall (More than 1/4 to 2 acres	10000	7000	5000
	Boundary wall above 2 Acres	15000	10000	10000
	Hording of scrap metal p.a	5,000	5,000	5,000
	Placement of unbranded kiosk/containers p.a	5,000	3,000	2,000
	Placement of branded kiosk/containers p.a	10,000	6,000	4,000
	Drilling of borehole per site	20,000	20,000	20,000
	Erection of communication mast per site p.a	200,000	200,000	200,000
	Amalgamation of plots	20,000	15,000	10,000
	Development of agricultural structures (per sq metre)	100	100	100
	Application fees for borehole drilling	1,000	1,000	1,000
	Payment of communication mast per mast p.a	200,000	200,000	200,000
	Application for approval of mast site	40,000	40,000	40,000
	Approval of Building plan per plan			
	Per sq foot	25	25	25
	up to 500ftsq.	1,000	1,000	1,000
	501-2000ftsq	2,000	-	-
	2001-4000ftsq	8,500	6,000	5,000
	4001-500ftsq	9,000	7,500	7,000
	For every additional 1000ftsq	300	-	-
	Approval of Building plans per metre SQ.			
	Institutional	40	30	20
	Commercial	75	75	75
	Residential	60	50	45
	Industry (ware houses and go downs)			
	0 – 500M ²	200	150	130
	501 – 5000M ²	150	130	100
	5000M ² and above	120	120	120

SCHEDULE FOR FEES AND CHARGES 2014				
PART	DESCRIPTION	URBAN	PERI URBAN	RURAL
	Structural drawing approval			
	0- 45m ²	1500	1500	10/= per sq.ft
	46m ² -96m ²	1800	1800	10/= per sq.ft
	96m ² -140m ²	2000	2000	10/= per sq.ft
	186m ² -240m ²	2500	2500	10/= per sq.ft
	240m ² -294m ²	3000	3000	10/= per sq.ft
	294m ² -350m ²	4000	4000	10/= per sq.ft
	350m ² -400m ²	5000	5000	10/= per sq.ft
	400m ² -465m ²	6000	6000	10/= per sq.ft
	465m ² -530m ²	7000	7000	10/= per sq.ft
	530m ² -595m ²	8000	8000	10/= per sq.ft
	595m ² -660m ²	9000	9000	10/= per sq.ft
	660m ² -725m ²	10000	10000	10/= per sq.ft
	725m ² -790m ²	11000	11000	10/= per sq.ft
	790m ² -855m ²	12000	12000	10/= per sq.ft
	855m ² -930m ²	13000	13000	10/= per sq.ft
	For every additional 93m ²	630	630	10/= per sq.ft
	Beacon search per beacon	2,000	2,000	1,000
	Renewal of building plan	50% of Approval fee	50% of Approval fee	50% of Approval fee
	Alterations/renovations of plans & building	1,000	1,000	1,000
	Commercial	10,000	8,000	5,000
	Residential	7,000	5,000	3,000
	Extended markets/areas P.A	10,000	8,000	5,000
	Inspection of building files	5,000	4,000	2,000
	Charges/Mortgage	3,500	3,500	3,500
	Certificate of occupation	6,000	6,000	6,000
	Supervision fee	2,000	2,000	2,000
	Plan submission fee	2,500	2,500	2,500
	Boundaries inspection	2,000	2,000	2,000
	Hording fee	10,000	7,000	5,000
	Structural plan approval fee	3,000	3,000	3,000
	Way leave	10,000	10,000	2,000

SCHEDULE FOR FEES AND CHARGES 2014				
PART	DESCRIPTION	URBAN	PERI URBAN	RURAL
	Plot Registration fees	10,000	10,000	10,000
	Boundary wall			
	Below 2 mtrs	3,000	3,000	3,000
	Above 2mtrs	5,000	5,000	5,000
	Search fee	2,500	2,500	2,500
	Regularization of development per application	100,000	100,000	100,000
	Clearance certificate	4,000	4,000	4,000
	Road cutting			
	Gravel per metre	4000 or cost of refilling whichever is higher	4000 or cost of refilling whichever is higher	4000 or cost of refilling whichever is higher
	Earth road per metre			
		4000 or cost refilling whichever is higher	4000 or cost refilling whichever is higher	4000 or cost refilling whichever is higher
	Other areas			
	Micro tunnelling	6000 or the assessed reinstatement costs	6000 or the assessed reinstatement costs	6000 or the assessed reinstatement costs
	Road cutting on Tarmac	50,000	50,000	50,000
	Road cutting on Murram	10,000	10,000	10,000
	Site office	10,000	10,000	10,000
10	PARKING PLACES AND OMNIBUS			
	Omni Bus up to 14 Passengers per day	150	150	150
	Mini Bus 15-42 passengers per day	300	300	300
	Bus Over 42 Passengers per day	450	450	450
	Towing fee per vehicles	5000	5000	3000
	Registration fee	1250	1000	1000
	License for breakdown services	SBP	SBP	SBP
	Liccnse for Bus booking office p.a	SBP	SBP	SBP
11	LICENCING OF PREMISES AND TRADE			
	Application fee for business permit	6,00	500	200
	Application fee for business permit factories	1,000	1,000	1,000
	License to operate plant nursery	SBP	SBP	SBP
	Landscaping permit	SBP	SBP	SBP
	Sale of plants	SBP	SBP	SBP
	Trade License	SBP	SBP	SBP
12	LEARNING INSTITUTIONS			
	Application for registration fee			
	Private school	1,000	1,000	1,000
13	ADVERTISING			
	General Application fees for all advertisements	1,000	1,000	500

SCHEDULE FOR FEES AND CHARGES 2014				
PART	DESCRIPTION	URBAN	PERI URBAN	RURAL
	Site inspection per site where applicable	2,000	2,000	1,000
	Advertising on billboard p.a			
	Up to 3sq metres	10,000	10,000	10,000
	Between 3 – 5sq metres	20,000	20,000	20,000
	Additional charges per sq m	4,000	4,000	4,000
	Directional signs			
	Up to 3sq metres	7,500	7,500	7,500
	Between 3 – 5sq metres	10,000	10,000	10,000
	Additional charges per sq m	1,000	1,000	1,000
	Commercial fete or public shows per day	5,000	5,000	5,000
	Door to door promotions per person	200	200	200
	Events sequence/ information Boards/ Public information.(p.a) per day	10,000	10,000	10,000
	Raffle sales (per day or part)	1,000	1,000	1,000
	Damaging of streetlights per pole	200,000	200,000	200,000
	Commercial banner advertisement per day	1,500	1,000	1,000
	Road show per day	4,000	4,000	4,000
	Musician/Disco player per day/night	2,000	2,000	2,000
	Advertisement charges per m² per month:			
	Bill board / Wall wraps	250	250	250
	Neon light	250	250	250
	Sky signs	250	250	250
	Hand bills (fliers) per piece	16	10	10
	Branded vehicles p.a	6,000	6,000	6,000
	Business names p.a	5,000	5,000	5,000
	Petrol station branding	2,000	2,000	2,000
	Screens	1,000	1,000	1,000
	Loud speakers per day	500	500	500
	Assemblies	1,000	1,000	1,000
	Vehicle mounted bills	1,000	1,000	1,000
	Branded masts	1,000	1,000	1,000
	Branded bus shelters	250	250	250
	Dummy product adverts	250	250	250
	Product exhibition per day	1,000	1,000	1,000
	Umbrella-like shade (branded) per day	500	500	500
	Branded tents per day	2,000	2,000	2,000
	Branded personal outdoorwear Per day per person	100	100	100
	Posters per poster:			
	A5	20	10	10
	A4	20	20	20
	A3	20	10	10
	A2	30	30	30
	Advertisement charges per m² per day			
	Branded vehicle during promotion			
	Small vehicle including van per day	500	500	500
	Big vehicles including trailers per day	1,000	1,000	1,000
	Road show per day	4,000	4,000	4,000
	Erection of Non commercial Banner per day	1,000	1,000	1,000
	Promotional tent per day	2,000	2,000	2,000

SCHEDULE FOR FEES AND CHARGES 2014				
PART	DESCRIPTION	URBAN	PERI URBAN	RURAL
	Sales promotions per day (Van fitted with PAS system)	4,000	4,000	4,000
	(Motor-cade involving up to 4 vans)	4,500	4,500	4,500
	Big procession/expedition (Motor-cade involving more than 4 vans and or trucks) per day	7,000	7,000	7,000
	Charity fete shows per day	2,000	2,000	2,000
	Umbrella (Branded)	300	300	3,000
	Advertisement charges per m² per year			
	Wall branding			
	Up to 3sq metres	8,500	8,500	8,500
	Between 3 – 5sq metres	15,000	15,000	15,000
	Additional charges per sq m	2,000	2,000	2,000
	Illuminated signboard			
	Up to 2sq metres	7,000	7,000	7,000
	Between 2 – 4sq metres	12,000	12,000	12,000
	Additional charges per sqm	5,000	5,000	5,000
	Non commercial advertising of corresponding items	50%	50%	50%
	Non-illuminated device/signboard:			
	2'x4'	500	500	500
	4'x4'	1,000	1,000	1,000
	4'x8'	1,500	1,500	1,500
	Bill-board up to 4'x4'	15,000	15,000	15,000
	Over 5'x5'	18,000	18,000	18,000
	Illuminated Device/signboard			
	2'x4'	1,000	1,000	1,000
	4'x4'	1,500	1,500	1,500
	4'x6'	2,000	2,000	2,000
	Bill-board up to 4'x4'	18,000	18,000	18,000
	Over 5'x5'	20,000	20,000	20,000
	Clock advertisement single sided per year	10,000	10,000	10,000
	Application for clock advertisement	1,500	1,500	1,500
	Penalty for non-payment of advertisement fees	50% of the fee	50% of the fee	50% of the fee
	Posters Above A2	50	50	50
	Illegal sign removal charges	5,000	-	-
	Illegal signs storage charges per day	1000	-	-
	Illegal banners removal charges	4000	-	-
	Illegal banners storage charges per day	1000	-	-
	Motion Screen advert(on track) per day	3000	-	-
	Festive decorations on wall, Windows, Canopies etc per fortnight	4000	2000	-
14	DRAINAGE AND SEWERAGE			
	Road works and storm water drainage:			
	100-200m	2,500	2,500	2,500
	201-300m	3,750	3,750	3,750
	301-400m	5,100	5,100	5,100
	401-500m	6,400	6,400	6,400
	501-700m	7,600	7,600	7,600

SCHEDULE FOR FEES AND CHARGES 2014				
PART	DESCRIPTION	URBAN	PERI URBAN	RURAL
	701-1000m	8,900	8,900	8,900
	1001-1500m	12,600	12,600	12,600
	1501-2000m	23,000	23,000	23,000
	2001-3000m	30,000	30,000	30,000
	3001-5000m	41,000	41,000	41,000
	For every extra metre	300	300	300
15	TAXI-CAB			
	Registration per year	1,500	1,250	1,000
	parking per single slot per day	50	50	50
	Reserved taxi cab parking per year per cab	10,000	5000	-
16	BUSINESS PERMITS			
	Application for permit	600	200	200
	Single Business Permit	Per Approved SBP Schedule	Per Approved SBP Schedule	Per Approved SBP Schedule
	Interest rate per month(cumulative)	3% of SBP	3% of SBP	3% of SBP
	Transfer of business permit from one premise to another	1,000	500	250
17	QUARRYING			
	Application for quarry permit	1,000	1,000	1,000
	Quarry extraction per m ³	100	100	100
	Quarry cess:			
	Semi trailer 3 axle-per trip	2000	2000	2000
	Semi trailer 2 axle-per trip	1500	1500	1500
	Triple axle-per trip	1200	1200	1200
	Double axle-per trip	1000	1000	1000
	Single axle-per trip	800	800	800
	Below 7 tons-per trip	600	600	600
	Murram royalties:			
	Semi trailer 3 axle-per trip	1200	1200	1200
	Semi trailer 2 axle-per trip	1000	1000	1000
	Triple axle per trip	800	800	800
	Double axle-per trip	600	600	600
	Single axle-per trip	400	400	400
	Excavation of black cotton soil per trip	500	500	500
	Quarry on private land	2,100	2,100	2,100
	Quarry on County land	6,300	6,300	6,300
	Quarrying Permit per acre	15,000	10,000	10,000
18	POUNDS			
	Pounding fee:			
	Lorries	20,000	20,000	20,000
	Buses	8,000	8,000	8,000
	Matatu mini bus	6,000	6,000	6,000
	Nissan /Pick ups	6,000	6,000	6,000
	Car/taxis	6000	6000	6000
	Sales vehicle	6000	6000	6000

SCHEDULE FOR FEES AND CHARGES 2014				
PART	DESCRIPTION	URBAN	PERI URBAN	RURAL
	Tractors	6000	6000	6000
	Handcraft/wheelbarrow	200	200	200
	Ox-cart	400	400	400
	Trailers	30000	30000	30000
	Bicycles	500	200	200
	Motor cycle	1000	800	800
	Other equipment	250	100	100
	Building items per item	500	250	250
	Release form fee	200	200	200
	Impounded goods/items per item	500	500	500
	Impounded animals per head	500	500	500
19	SLAUGHTER HOUSES			
	Main slaughter house			
	Per cattle	400	200	200
	Per goat/sheep	100	50	50
	Per bird/chicken	10	20	20
	Per pig	300	50	50
	Per Camel	500	500	300
	Hides cess per hide	40	30	30
	Skin cess per skin	20	15	15
	Slaughter slabs:			
	Per cattle	320	320	320
	Per goat/sheep	100	100	100
	Per bird/chicken	10	10	10
	Per pig	300	300	300
	Per Camel	400	400	350
	Hides cess per hide	40	40	40
	Skin cess per skin	20	20	20
	Hides and skins:			
	1 ton	1,000	1,000	1,000
	2 ton	2,000	2,000	2,000
	4 ton	3,000	3,000	3,000
	Lorry 7 ton	5,000	5,000	5,000
	Over 7 ton per ton	7,000	7,000	7,000
20	CONTROL OF WATER SUPPLIES			
	PROPOSED			
	Clean water Tankers p.a	100,000	90,000	40,000
	Water Distribution tankers p.m	10,000	8,000	5,000
	Distribution of bottled water p.a	10,000	10,000	5,000
	Water Kiosk	S.B.P	S.B.P	S.B.P
	Water Bowser p.m	10,000	10,000	10,000
21	REFUSE RECEPTACLE AND COLLECTION			
	Conservancy fee	700	700	700
	Conservancy fee extended markets	500	500	500
	Private dump site per ton per trip	250	200	150
	Dumping charges up to 1 axle	1000	1000	1000

SCHEDULE FOR FEES AND CHARGES 2014				
PART	DESCRIPTION	URBAN	PERI URBAN	RURAL
	Dumping charges up to 2-3 axles	1500	1500	1500
	Exhauster Services	S.B.P	S.B.P	S.B.P
22	RESTAURANT, EATING HOUSE AND SNACK BAR	Per Approved SBP Schedule	Per Approved SBP Schedule	Per Approved SBP Schedule
	HIRE			
	Hire of social hall hour	1,000	1,000	1,000
	Hire of seats per seat per day	20	20	20
	Hire of tables per table per day	100	100	100
	Hire of chamber	6,000	4,500	4,500
	Hire of social with tent and PA system per day	5,000	5,000	5,000
	Hire of portable decorated dias (platform)	3,000	3,000	3,000
	Hire of PA system per day	2,500	2,500	2,500
	Hire of grader:			
	per hour wet rate	15,000	15,000	15,000
	per hour dry rate	8,000	8,000	8,000
	Hire of roller:			
	per hour wet rate	5,000	5,000	5,000
	per hour dry rate	3,000	3,000	3,000
	Landscaping fee	10,000	10,000	10,000
23	CEMETERY			
	Burial (permanent grave):			
	<i>Citizen</i>			
	Child	15,000	15,000	15,000
	Adult	20,000	20,000	20,000
	<i>Non Citizen</i>			
	Child	30,000	30,000	30,000
	Adult	40,000	40,000	40,000
	<i>Burial (ordinary grave)</i>			
	<i>Citizen</i>			
	Child	4,000	200	200
	Adult	8,000	300	300
	<i>Non Citizen</i>			
	Child	8,000	8,000	8,000
	Adult	15,000	15,000	15,000
	<i>Cremations</i>			
	<i>Citizen</i>			
	Child	20,000	20,000	20,000
	Adult	30,000	30,000	30,000
	<i>Non citizen</i>			
	Child	40,000	40,000	40,000
	Adult	50,000	50,000	50,000
	<i>Exhumation</i>			
	One officer	2,000	2,000	2,000
	Grave digger	1,000	1,000	1,000
24	ENVIRONMENT			

SCHEDULE FOR FEES AND CHARGES 2014				
PART	DESCRIPTION	URBAN	PERI URBAN	RURAL
	Smoking Vehicle penalty	2000	2000	-
	littering from a moving vehicle	500	500	-
	Penalty for Sand transportation without Canvas.	6000	6000	6000
	Tampering with litter bin, dust bin or bulk container	1000	1000	-

SINGLE BUSINESS PERMITS SCHEDULES

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